



# Broward County

## Legislation Text

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### **Broward County Commission Regular Meeting**

**Director's Name:** George Tablack

**Department:** Finance and Administrative Services    **Division:** Purchasing

### **Information**

#### **Requested Action**

**MOTION TO APPROVE** final ranking of qualified firms for Request for Letters of Interest (RLI) No. PNC2119994R1, Parking Access and Revenue Control Equipment and Maintenance, for the Aviation Department. The ranked firms are: 1 - DESIGNA Access Corporation; 2 - Scheidt & Bachmann USA, Inc.; and 3 - TIBA Parking Systems, LLC.

#### **Why Action is Necessary**

Pursuant to the Broward County Procurement Code, Section 21.42(j), if an objection or protest has been filed with respect to an Evaluation Committee's ranking, the ranking must be submitted to the Board for final approval. The Board, by majority vote, may (1) accept the ranking as final; (2) reject all responses to the solicitation; or (3) direct the Evaluation Committee to reconvene to consider any new or additional information the Board directs the Evaluation Committee to consider. In addition, the Board may request presentations by the ranked vendors and may, by supermajority vote, rerank those vendors in a final ranking.

#### **What Action Accomplishes**

Approves the Selection Committee's recommendation of the final ranking of qualified firms.

#### **Is this Action Goal Related**

No

#### **Previous Action Taken**

None.

#### **Summary Explanation/Background**

THE PURCHASING DIVISION AND THE AVIATION DEPARTMENT RECOMMEND APPROVAL OF THE ABOVE MOTION.

The procurement was solicited to engage a qualified vendor to furnish, install and manage a parking access revenue control system (PARCS) at Broward County Fort Lauderdale-Hollywood International Airport.

On December 10, 2019 (Item No. 56), the Board approved the Request for Letters of Interest (RLI) No. PNC2119994R1. The RLI was advertised and at the time of the opening deadline, March 13, 2020, six firms submitted proposals.

On August 13, 2020, a Selection Committee (SC) meeting was held. The SC determined that three of the six firms were both responsive and responsible to the RLI requirements and would move forward to the Final Presentation/Ranking meeting. The three shortlisted firms were: DESIGNA Access Corporation (DESIGNA), Scheidt & Bachmann USA, Inc. (Scheidt & Bachmann), and TIBA Parking Systems, LLC. Three firms were determined non-responsible: Flash Parking, Inc and LCN INC. dba Consolidated Parking Equipment were determined non-responsible based on County Business Enterprise commitment; HUB Parking Technology USA Inc. (HUB) was determined non-responsible based on licensing requirements.

On August 21, 2020, the Director of Purchasing received a protest letter from HUB. The protest letter stated that: 1) HUB had met the licensing requirement and should not have been deemed non-responsible by the SC; 2) the SC allowed vendors five additional days to obtain insurance documentation but did not offer HUB the same opportunity to obtain the necessary licensing; and 3) the SC should have waived minor technicalities such as the omission of the copy of the license, which was in place with HUB's subcontractor.

On November 18, 2020, the Director of Purchasing issued a response to HUB stating that the issues raised in the objection were not of sufficient merit to recall or otherwise alter the SC's recommendation based upon review of the procurement record, correspondence received by parties to the protest, and the proceedings of the SC meeting. The evaluation and shortlisting of firms were conducted appropriately and within the established guidelines, practices, and procedures as set forth in the Broward County Procurement Code and existing written guidelines. As such, the protest was denied (Exhibit 3).

The Final SC meeting was scheduled; however, due to on-going litigation among the County, SP Plus Corporation (the County's parking management provider), and HUB Parking Technology USA, Inc. (Aviation Department's current parking system provider), the Final SC meeting was delayed. The Purchasing Division received approval to schedule the meeting in late 2021 and resumed the procurement process with the three shortlisted firms, after consultation with the Broward County Aviation Department (BCAD) and the County Attorney's Office.

Due to the length of time from the initial submittal, the Purchasing Division notified the three shortlisted firms of the resumption of the procurement process and requested the shortlisted firms to submit updated information and pricing to the County. All three firms complied with this request and each firm affirmed minimal changes to their original proposals. Original pricing proposals also remained unchanged from each firm. As this was an RLI, pricing was included in submittals but was not part of scored evaluation criteria.

On March 9, 2022, a Final SC meeting was held. The SC heard vendor presentations and ranked each firm. Upon Purchasing's review and tabulation of SC voting tally sheets, the initial ranking resulted in a tie for first-ranked firm between DESIGNA and Scheidt & Bachmann. In accordance with the Broward County Procurement Code, Section 21.42(d)(4), the tie was broken by the SC re-ranking the tied vendors (Exhibits 1 and 2). DESIGNA was named the first-ranked firm after re-ranking.

On March 14, 2022, the Director of Purchasing received a premature objection letter from Scheidt & Bachmann, the second-ranked firm (after the tie was broken). The objection letter stated three main points of objections/concerns and sought clarification pertaining to the following: 1) a potential conflict in reporting relationships between two appointed SC members from the Aviation Department, 2) the

SC members' reconsideration of the responses and re-ranking of tied vendors, and 3) how and when the County's request of shortlisted firms' updates to the original submittals (received on January 17, 2022) was distributed to the SC members for their review and consideration prior to the Final Presentation/Ranking meeting (Exhibit 4).

On March 23, 2022, the Director of Purchasing issued a response to the Scheidt & Bachmann's premature objection letter and provided clarification addressing the firm's concerns (Exhibit 5).

The SC's proposed recommendation of ranking was posted on the Purchasing Division website on April 6 - 8, 2022, which provided an opportunity for any proposer or interested party to present any new or additional information regarding the responsibility of the proposers.

The Director of Purchasing received a timely filed objection letter from Scheidt & Bachmann during the three-day objection period. Scheidt & Bachmann's letter reiterated its original points concerning the SC members' reconsideration of the responses and re-ranking of tied vendors and introduced a new objection pertaining to the third-ranked presenting firm's failure to specifically address within their presentation a list of questions or topics previously requested by the SC members (Exhibit 6).

On April 25, 2022, the Purchasing Division received a response to the objection letter on behalf of DESIGNA. The response alleged that Scheidt & Bachmann's objection is both procedurally and substantively deficient (Exhibit 7).

On April 28, 2022, the Director of Purchasing issued a response to the Scheidt & Bachmann's objection letter stating that the SC's evaluation and ranking of firms was conducted appropriately and within the established guidelines, practices, and procedures set forth in the Broward County Procurement Code and existing written guidelines based upon review of the procurement record, correspondence received by parties to the objection, and the SC's proceedings. As such, the objection was denied (Exhibit 8).

The Evaluation Committee's final recommendation of ranking was posted on the Purchasing Division website from May 2 - 9, 2022, which provided an opportunity for any aggrieved proposer to file a formal protest. No protest was received during this time.

On June 14, 2022 (Item No. 58), the agenda item was withdrawn for further staff review at the request of BCAD due to the receipt of material new information. On July 7, 2022, the Director of Purchasing provided an information package to the SC members for their review and consideration.

On July 12, 2022, the SC was reconvened to consider material new information pertaining to DESIGNA's contract at Miami International Airport (MIA), with respect to the firm's implementation of a PARCS project at MIA, specifically SunPass functionality. The information was reviewed and discussed by the SC members and the SC voted to ratify the ranking of firms from the March 9, 2022 Final Selection Committee Meeting.

In accordance with Broward County Procurement Code, Section 21.42(j), after the Final Recommendation of Ranking is posted, if a protest or objection has been filed, the Director of Purchasing shall present the ranking to the Board for final approval. The Board, by majority vote, has the option to either: (1) accept the ranking as final; (2) reject all responses to the solicitation; or (3) direct the Evaluation Committee [Selection Committee] to reconvene to consider any new or

additional information the Board directs the Evaluation Committee [Selection Committee] to consider. In addition, the Board may request presentations by the ranked vendors and may, by supermajority vote, rerank those vendors in a final ranking.

Additional supporting documentation provided to the SC this procurement can be found on Broward County's Purchasing Division website at:

<http://www.broward.org/Purchasing/Pages/Repository.aspx>.

**Source of Additional Information**

Robert E. Gleason, Director, Purchasing Division, (954) 357-6070

**Fiscal Impact**

**Fiscal Impact/Cost Summary**

There is no fiscal impact.