



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

November 6, 2025

Cameron Shorkey, MPP, Director of Business Development  
Bitfocus, Inc.  
5940 S Rainbow Blvd Ste 400 #60866  
Las Vegas, NV 89118

Re: Objection to Proposed Ranking - Request for Proposals (RFP) TRN2129615P1, Homeless Management Information System (HMIS) Solution

Dear Mr. Shorkey:

We are in receipt of your timely objection email dated October 24, 2025, on behalf of Bitfocus, Inc. ("Bitfocus"). Your objection is based on the following:

- 1) Permit [Bitfocus] to submit a revised price matching WellSky.
- 2) Reconsider the rankings and/or proceed to negotiations with [Bitfocus] based on this price match commitment.

The following will address your assertions, point by point, to explain how we arrived at our determination regarding your objection. The determination is based on the review of your objection and the County's Procurement Code.

**Objection Assertion No. 1:**

Your objection email claims that the objection "is focused solely on price. [Bitfocus] understand[s] the County selected WellSky. [Bitfocus does] do not dispute[s] any technical scoring or compliance findings. However, [Bitfocus] believe[s] that if [the] price were adjusted to match WellSky's offer, [the] overall ranking would then meet or exceed that of the selected vendor. Bitfocus is prepared to immediately price match WellSky's offered price for the HMIS Solution and is ready to enter into good-faith negotiations under the exact same terms and conditions." [Exhibit 1 - *Objection email*]

**County's Response to Assertion No. 1:**

Pursuant to the Instructions to Vendors, Section A.8.b., Pricing Requirements and Submittal, "pricing submittal is a matter of responsiveness. Failure to complete and electronically submit pricing per solicitation's instructions by the solicitation's end closing date and time shall determine the Vendor to be nonresponsive to the Pricing Requirements". The County is not required to request, consider, or analyze the Vendor's Evaluation Criteria responses received after the solicitation's closing date. [Exhibit 2 - *Instructions to Vendors, Section J.2.*]

Additionally, the RFP required firms to submit pricing with their responses as part of the Evaluation Criteria. The Evaluation Criteria identified 100 points available of which Pricing represented 20 points.

Cameron Shorkey, MPP, Director of Business Development, Bitfocus, Inc.  
Objection Response to Proposed Ranking – RFP No. TRN2129615P1, Homeless Management Information System (HMIS) Solution  
November 6, 2025  
Page 2 of 2

Vendors were also informed that proposed pricing is used for scoring purposes utilizing the following calculation:

$$\frac{(\text{Lowest Proposed Price/Proposer's Price}) \times (\text{Maximum Number of Points for Price})}{\text{Price Score}}$$

Pricing submitted by all firms and points allocated are as follows:

Bitfocus	CaseWorthy	International Software	WellSky		Max Points
\$ 838,800.00	\$ 829,153.00	\$ 747,470.50	\$ 613,531.49	Price	20
14.63	14.80	16.42	20.00	Final Points	

**Objection Assertion No. 2:**

Your objection email requests to “Reconsider the rankings and/or proceed to negotiations with [Bitfocus] based on this price match commitment.”

**County’s Response to Assertion No. 2:**

Pursuant to Procurement Code Section 21.42(k), “the County shall commence contract negotiations with the top-ranked vendor... If the negotiation does not result in mutually satisfactory contract terms within a reasonable time, as determined by the Director of Purchasing, then the Director of Purchasing may terminate negotiations with the applicable vendor and commence....negotiations with the next-ranked vendor”.... [Exhibit 3 - Procurement Code]

Upon review of the procurement record, the proceedings of the Evaluation Committee and in consultation with the Office of the County Attorney, we find that the issues raised in the objection are not of sufficient merit to recall or otherwise alter the recommendation of the Evaluation Committee. No new substantive information was presented to warrant the reconvening of the Evaluation Committee to reconsider rankings. The evaluation and scoring of firms were conducted appropriately and within the established guidelines, practices, and procedures set forth in the Broward County Procurement Code, County Ordinances, and existing written guidelines of the Purchasing Division. As such, the objection is denied.

Respectfully,

Robert  
Gleason

Digitally signed by Robert  
Gleason  
Date: 2025.11.06  
17:03:41 -05'00'

Robert E. Gleason, Director  
Purchasing Division

Attachment

REG/wj/sl

- c: Olga Bast, Senior Program/Project Coordinator, Human Services Department  
Connie Mangan, Assistant Director, Purchasing Division  
Sonia M. Lovett, Senior Purchasing Manager, Purchasing Division  
Windelle Jean-Pierre, Purchasing Assistant Manager, Purchasing Division  
Ricardo Abraham, Assistant County Attorney, Office of the County Attorney

**Jean-Pierre, Windelle**

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**From:** Cameron Shorkey <camerons@bitfocus.com>  
**Sent:** Friday, October 24, 2025 11:37 AM  
**To:** Gleason, Robert  
**Cc:** Jean-Pierre, Windelle; Lovett, Sonia  
**Subject:** Formal Protest Regarding Proposed Award and Ranking for TRN2129615P1 Homeless Management Information System—HMIS Solution

**External Email Warning**

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[Report Suspicious](#)

Dear Mr. Gleason,

This letter is to officially file a protest on behalf of Bitfocus concerning the County's proposed award and [vendor ranking](#), which was posted on October 22. We're making this filing pursuant to the protest instructions in the solicitation and Part X of the Broward County Procurement Code.

We contend that the evaluation outcome was simply a matter of a pricing difference, and we respectfully request that you reconsider the decision.

**Our Grounds for Protest and Requested Remedy**

Our protest is focused solely on price. We understand the County selected WellSky. We do not dispute any technical scoring or compliance findings. However, we believe that if our price were adjusted to match WellSky's offer, our overall ranking would then meet or exceed that of the selected vendor.

**Our Requested Remedy:**

Bitfocus is prepared to immediately price match WellSky's offered price for the HMIS Solution and is ready to enter into good-faith negotiations under the exact same terms and conditions.

Given that the County's evaluation already indicates Bitfocus offers the superior products and services, it is clearly in the County's best interest to award us the contract. By accepting our price match guarantee, you ensure that the County receives a vastly superior product for the same financial investment, making this award the most financially feasible and beneficial option.

Therefore, we request that the County:

1. Permit us to submit a revised price matching WellSky.
2. Reconsider the rankings and/or proceed to negotiations with us based on this price match commitment.

#### Supporting Information and Attachments

We are including the following document to support our protest:

- Broward County's [Scoring Summary Sheet](#)

#### Filing Fee

We understand a filing fee is required for protests of a proposed award. Please confirm the exact required fee amount based on the estimated contract price, along with the acceptable payment method. We are prepared to submit the filing fee in accordance with County requirements.

#### Certification

I certify that I am authorized to file this protest on behalf of Bitfocus, that all statements in this protest are true and accurate to the best of my knowledge, and that this protest is made in good faith.

Thank you for your prompt attention to this matter. We look forward to your guidance on the next steps.

Sincerely,

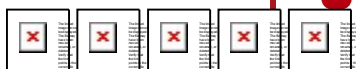
Cameron



**Cameron Shorkey, MPP**  
Director of Business Development  
Colorado Springs, Colorado  
800.594.9854 x231



**Bitfocus**



## Homeless Management Information System (HMIS) Solution

Vendor is instructed to read and follow the instructions carefully, as any misinterpretation or failure to comply with instructions may lead to Vendor's submittal being rejected or may affect Vendor's evaluation.

Vendor MUST submit its solicitation response electronically and MUST confirm its submittal in the electronic bidding system for the response to be deemed valid by the County. Refer to Submittal Instructions.

### A. Responsiveness Criteria:

A responsive Vendor means a vendor who submits a response to a solicitation that the Director of Purchasing determines meets all solicitation requirements.

**Information and applicable forms, are requested to be submitted by the solicitation's closing date and time, as instructed. Failure to timely submit may result in the Vendor being deemed nonresponsive per instructions.**

The County reserves the right to waive minor technicalities or irregularities as is in the best interest of the County in accordance with [Section 21.37\(b\)](#) of the Broward County Procurement Code.

#### 1. Addenda

The County reserves the right to amend this solicitation prior to the solicitation's closing date and time. Any change(s) to this solicitation will be through the written addenda process. Only written addenda will be binding. Vendor must comply with any "must" addenda, including following the instructions and submitting the required information and applicable forms, or acknowledge the addendum, through the electronic bidding system. It is solely the Vendor's responsibility to monitor the solicitation for new or modified information or requirements, set forth in any "must" addenda, prior to submitting its solicitation response.

#### 2. Bond Requirement

Not applicable to this solicitation.

#### 3. Criminal History Screening Practices Requirement

Broward County's [Criminal History Screening Practices Ordinance](#) applies to this solicitation. Vendor must follow the instructions and submit the completed **Criminal History Screening Practices Certification**. If not provided with the submittal, the Vendor must submit within three business days after the County's written request. Failure to submit within the stated timeframe may determine the Vendor to be nonresponsive to the Criminal History Screening Practices requirement.

#### 4. Domestic Partnership Act Requirement

Broward County's [Domestic Partnership Act](#) applies to this solicitation (as a requirement and a tiebreaker criteria). Vendor must follow the instructions and submit the completed **Domestic Partnership Act Certification**. If not provided with the submittal, the Vendor must submit within three business days after the County's written request. Failure to submit within the stated timeframe may determine the Vendor to be nonresponsive to the Domestic Partnership Act requirement. However, to be eligible for the Domestic Partnership tiebreaker, the Vendor must currently offer the Domestic Partnership benefit and the completed form must be returned at the time of solicitation submittal. Vendors who fail to comply with this submittal deadline will not be eligible for the Domestic Partnership tiebreaker.

#### 5. Federal Transit Administration (FTA) Requirements

Not applicable to this solicitation.

6. **Living Wage Requirements**

Not applicable to this solicitation.

7. **Lobbyist Registration Requirement**

Broward County's [Lobbyist Registration Act](#) applies to this solicitation. Vendor must follow the instructions and submit the completed **Lobbyist Registration Requirement Certification**. If not provided with the submittal, the Vendor must submit within three business days after the County's written request. Failure to submit within the stated timeframe may determine the Vendor to be nonresponsive to the **Lobbyist Registration** requirement.

8. **Pricing Requirements and Submittal**

- a. Vendor is requested to submit pricing via electronic bidding system. It is solely the Vendor's responsibility to ensure pricing is submitted and received electronically through electronic bidding system by the solicitation's closing date and time. The County will not consider pricing received by other means.
- b. Pricing submittal is a matter of responsiveness. Failure to complete and electronically submit pricing per solicitation's instructions by the solicitation's end closing date and time shall determine the Vendor to be nonresponsive to the Pricing Requirements.
- c. Proposed pricing remains subject to negotiation, which may result in a reduction from the Vendor's proposed pricing. If scoring is applicable to the solicitation, scoring for price is set forth in the Evaluation Criteria, including the formula for calculation of pricing points.

9. **Additional Responsiveness Requirement**

Not applicable to this solicitation.

**B. Responsibility Criteria:**

A responsible vendor means a vendor who is determined to have the capability in all respects to fully perform fully the requirements of a solicitation, as well as the integrity and reliability that will ensure good faith performance.

The Director of Purchasing or the Evaluation Committee (as applicable) may request additional information from any Vendor on matters that may affect a Vendor's responsibility. A Vendor may submit additional information regarding its responsibility, but such information will not be considered if it contradicts or materially alters the information provided in the original solicitation response.

A Vendor's failure to provide information requested in the manner required may result in a recommendation by the Director of Purchasing to, and/or a determination by an Evaluation Committee that the Vendor is nonresponsive.

1. **Affiliated Entities of the Principal(s)**

- a. Vendor is required to disclose the names of "affiliated entities" of the Vendor's principal(s) over the last five (5) years (from the solicitation's closing deadline) that have acted as a prime Vendor with the County. The Vendor is required to provide all information required on the **Affiliated Entities of the Principal(s) Certification**. If not provided with the submittal, the Vendor must submit within three

business days after the County's written request.

- b. The County will review all affiliated entities of the Vendor's principal(s) for contract performance evaluations and the compliance history with the County's Small Business Program, including County Business Enterprise (CBE), and Disadvantaged Business Enterprise (DBE), goal attainment requirements in its review and determination of responsibility. "Affiliated entities" of the principal(s) are those entities related to the Vendor by the sharing of stock or other means of control, including but not limited to a subsidiary, parent, or sibling entity.

2. **Enterprise Technology Services (ETS) Vendor Security Questionnaire (VSQ)**

**ETS Vendor Security Questionnaire (VSQ):** Vendor is required to submit a completed **ETS Vendor Security Questionnaire (VSQ)** (for applicable solution – services, hardware, and/or software). If a response requires additional information, attach additional pages with the required additional information with the additional pages and information labeled to match the applicable question number. If not provided with the submittal, the Vendor must submit within three business days after the County's written request.

The Vendor Security Questionnaire (VSQ) assesses the Vendor's security policies and/or system protocol and to identify any potential security vulnerabilities. The County will review the Vendor's VSQ response; any identified security concerns will be disclosed to the Evaluation Committee. Unresolved security concerns shall be considered by the Evaluation Committee as part of its final evaluation and may lead to a Vendor being deemed nonresponsive or otherwise affect the Vendor's evaluation.

3. **Financial Information/Financial Ability**

- a. The County may consider the Vendor's Dun & Bradstreet reporting information in its review and determination of financial responsibility.
- b. The County may request additional information from any vendor on matters that may affect a Vendor's responsibility (Section 21.40(b)(4)), such as financial statements or guaranties, including but not limited to most current and/or previous reporting periods balance sheets, income statements and annual reports, federal corporate tax returns, and SEC filings.

4. **Foreign Country of Concern Requirements**

Foreign Country of Concern requirement applies to this solicitation, as resultant contract may give access to an individual's personal identifying information. Vendor submit completed **Foreign Country of Concern Attestation** as instructed. If not provided with the submittal, the Vendor must submit within three business days after County's written request.

5. **Insurance Requirements**

The **Minimum Insurance Requirement Form** reflects the insurance requirements deemed necessary for this project. Vendor is required to either submit insurance certificates indicating that the Vendor currently carries the level insurance coverages OR submit a letter from the insurance carrier indicating the Vendor can obtain the required insurance coverages if awarded this contract. If not provided with the submittal, the Vendor must submit within three business days after the County's written request.

6. **License, Pre-Qualification, or Certification Requirements**

- a. **License Requirement:**  
Not applicable to this solicitation.

b. **FDOT Pre-Qualification:**  
Not applicable to this solicitation.

c. **Certification Requirement:**  
Not applicable to this solicitation.

7. **Litigation History**

Vendor should submit **Litigation History** with its submittal. If not provided with submittal, the Vendor must submit form(s) and requested information within three (3) business days after County's request.

8. **Office of Economic and Small Business Development Program Requirements**

Refer to **Office of Economic and Small Business Development Procurement Preferences for Broward County Small Business Enterprises and County Business Enterprises**.

9. **Workforce Investment Program Requirements**  
Not applicable to this solicitation.

10. **Additional Responsibility Requirement**  
Not applicable to this solicitation.

C. **Additional Information and Certifications**

The following forms and supporting information (if applicable) should be completed and provided with the solicitation response. If not provided with the submittal, the Vendor must submit within three business days after the County's written request. Failure to timely submit requested information and/or to certify to requirement may affect the Vendor's evaluation.

1. **Vendor Questionnaire and Standard Certifications**

Refer to the **Vendor Questionnaire and Standard Certifications** and submit as instructed.

- a. Drug-Free Workplace Certification [Applicable to this solicitation]
- b. Non-Collusion Certification
- c. Public Entities Crimes Certification
- d. Scrutinized Companies List Certification

2. **Procurement Preference for SBE and CBE**

This solicitation allows for Procurement Preferences for Broward County Small Business Enterprises and County Business Enterprises. Refer to the **Procurement Preferences for Broward County Small Business Enterprises and County Business**.

D. **Standard Agreement Language Requirements**

- 1. The solicitation's contract terms and conditions are:  
Broward County Technology Products Agreement

[https://www.broward.org/purchasing/documents/5%20-%20Standard%20Technology%20Products%20Agreement%20\(BCF%20301\).pdf](https://www.broward.org/purchasing/documents/5%20-%20Standard%20Technology%20Products%20Agreement%20(BCF%20301).pdf)  
**Agreement Date: 07/01/2024**

Vendor is also required to review the following additional terms and conditions:

- a. Broward County Service Level Agreement  
<https://www.broward.org/purchasing/documents/10%20-%20Standard%20Service%20Level%20Agreement%20Form.pdf>  
**Service Level Agreement Date: 10/17/2023**
  - b. Enterprise Technology Services Security Requirements Exhibit – High Risk (Included in this RFP solicitation)
  - c. Business Associate Agreement  
<https://www.broward.org/purchasing/documents/11%20-%20Business%20Associate%20Agreement.pdf>  
**Business Associate Agreement Date: : 07/01/2024**
  - d. Security Requirements (Included in this RFP solicitation which contains screening requirements applicable to vendor staff working in County's locations)
2. Vendor is required to review the terms and conditions and submit the **Agreement Exceptions**. The completed form should be provided with the solicitation response. If not provided with solicitation response, it shall be deemed an affirmation by the Vendor that it accepts all the referenced contract terms and conditions and any additional terms listed above.
  3. If exceptions are taken, the Vendor must specifically identify each term and condition to which it is taking an exception. Any exception not specifically listed is deemed waived. Simply identifying a section or article number is not sufficient to state an exception. The Vendor must provide either a redlined version of the specific change(s) or specific proposed alternative language. Additionally, a brief justification specifically addressing each provision to which an exception is taken must be provided.
  4. The acceptance of or any exceptions taken to the terms and conditions of the County's agreement language is considered a part of the Vendor's response and will be considered by the Evaluation Committee. Submission of exceptions by the Vendor does not constitute acceptance of those exceptions by the County. Furthermore, taking exceptions to the County's terms and conditions may be viewed unfavorably by the Evaluation Committee and ultimately may impact the overall evaluation of a Vendor's submittal.

**E. Procurement Authority**

Pursuant to Section 21.33 of the Procurement Code, RFPs, RLIs, and RFQs with an anticipated total value of more than \$500,000 require Board approval.

**F. Project Funding Source**

This project is funded in whole or in part by:  
County Funds

**G. Cone of Silence**

1. The County's Cone of Silence Ordinance, [Section 1-266](#), of the Broward County Code of Ordinances, prohibits all communications, oral or written, relating to a competitive solicitation among vendors/vendor representatives, County Staff, and Commissioner Offices while the Cone is in effect.
2. Only communications with Purchasing Division employees, the solicitation's designated Project Manager(s) or designee(s), the Office of Economic and Small Business Development (OESBD) Small

Business Development Specialist Supervisor (954) 357-6400, and others as specifically identified in the Cone of Silence Ordinance are permitted. Additionally, communication is permitted at pre-bid conferences and negotiation meetings, as applicable.

3. The Cone of Silence begins upon the advertisement of an ITB, RFP, RFQ, or RLI. The Cone of Silence terminates when the solicitation is awarded, all responses are rejected, or the Board takes other action which ends the solicitation, as more fully stated in the Cone of Silence.
4. Any violations of the Code of Silence Ordinance by any vendor or vendor representative may be reported to the County's Professional Standards. If the County's Professional Standards determines that a violation has occurred, a fine shall be imposed as provided in the Broward County Code of Ordinances. At the sole discretion of the Broward County Board of County Commissioners, a violation may void an award of the applicable competitive solicitation.
5. Review the Cone of Silence Ordinance, [Section 1-266](#) of the Broward County Code of Ordinances, for more detailed information.

#### **H. Vendor Questions**

The County provides a specified time for Vendors to ask questions and seek clarification regarding the solicitation requirements. All questions or clarification inquiries must be submitted through Bonfire BPRO by the Question due date. The County will respond to questions in Bonfire BPRO (Messages section).

#### **I. Committee Appointment and Project Manager**

##### **1. Committee Members Information:**

An Evaluation Committee is responsible for recommending the most qualified Vendor(s). The solicitation's appointed committee members are listed on the Purchasing Division's website under [Committee Appointment](#). Committee Members are covered by the Cone of Silence.

##### **2. Project Manager Information:**

Project Manager: Olga Bast, Senior Program Project Coordinator

#### **J. Evaluation Criteria**

1. The Evaluation Committee will evaluate Vendors as per the **Evaluation Criteria**. The County reserves the right to obtain additional information from a Vendor.
2. Unless the Evaluation Criteria is identified as a solicitation Responsiveness or Responsibility Requirement (i.e., pricing, certifications, etc.), a Vendor's failure to respond to Evaluation Criteria will not be considered a matter of responsiveness or responsibility. Vendors that fail to submit information and/or documentation required by an evaluation criterion by solicitation's closing date and time may receive no points (if applicable) for the corresponding Evaluation Criteria. The County is not required to request, consider, or analyze the Vendor's Evaluation Criteria responses received after the solicitation's closing date.
3. The County reserves the right to obtain clarifying information from a Vendor in writing for the Evaluation Committee.
4. For Request for Proposals - the following shall apply:
  - a. The Evaluation Committee may shortlist the most qualified firms prior to the Final Evaluation, in

accordance with the Procurement Code.

- b. The Evaluation Criteria identifies points available; a total of 100 points is available.
  - c. If the solicitation includes a request for a pricing submittal, the formula for awarding points will be identified in the Evaluation Criteria.
  - d. After completion of scoring, the County may negotiate pricing as in its best interest.
5. For Requests for Letters of Interest or Request for Qualifications - the following shall apply:
- a. The Evaluation Committee will create a shortlist of the most qualified firms.
  - b. The Evaluation Committee will either:
    - i. Rank shortlisted firms; or
    - ii. If the solicitation is part of a two-step procurement, shortlisted firms will be requested to submit a response to the Step Two procurement.

#### **K. Review and Evaluation of Responses**

The process for this procurement may proceed in the following manner:

1. Agency staff prepares a report, including a matrix of responses submitted by the Vendors. This may include a technical review, if applicable.
2. A solicitation may only be awarded to a Vendor determined responsive and responsible to the solicitation's requirements. The Director of Purchasing shall determine whether submissions are responsive. The Director of Purchasing's responsiveness determination is not binding on the Evaluation Committee; the Evaluation Committee may accept or reject the Director of Purchasing's responsiveness determination but must specifically state the basis for any rejection.
3. When making determinations of responsibility, the Director of Purchasing or the Evaluation Committee (as applicable) may request additional information from any Vendor on matters that may affect a Vendor's responsibility. The failure of a Vendor to provide information requested by the County may result in a determination of nonresponsibility. In addition, a Vendor may submit information regarding its responsibility; however, information shall not be considered if it contradicts or materially alters the information provided by the Vendor in its original response to the solicitation.
4. The Evaluation Committee, with assistance of the Purchasing Division and based on information provided by the applicable County Agencies and the Office of the County Attorney, shall determine whether Vendors who have submitted responsive submissions are responsible. The solicitation's awarding authority shall have the ultimate authority to determine whether Vendors who have submitted responsive submissions are responsible.

#### **L. Local Preference**

Broward County's local preference provisions shall apply except where otherwise prohibited by federal or state law or other funding source restrictions.

Refer to [Section 1-75](#) of the Broward County Local Preference Ordinance and the **Location Certification Form** for further information.

For RFPs: upon the completion of final rankings (technical and price combined, if applicable) by the Evaluation Committee, if a nonlocal Vendor is the highest ranked Vendor and one or more Local Businesses (as defined

by [Section 1-74](#) of the Broward County Code of Ordinances) are within five percent (5%) of the total points obtained by the nonlocal Vendor, the highest ranked Local Business shall be deemed to be the highest ranked Vendor overall, and the County shall proceed to negotiations with that Vendor. If impasse is reached, the County shall next proceed to negotiations with the next highest ranked Local Business that was within five percent (5%) of the total points obtained by the nonlocal Vendor, if any.

The **Location Certification Form** will be used for local preference and location tiebreaker criteria.

**M. Demonstrations**

1. Vendors determined to be both responsive and responsible to the solicitation's requirements and shortlisted (if applicable), are required to demonstrate its offered solution. All Vendors will have equal time for demonstrations. Subconsultants/subcontractors may only participate during one demonstration session, if partnering with multiple prime vendors.
2. A designated Technical Review Team ("TRT") will view all Vendor demonstrations. The TRT will review all Vendor demonstrations for compliance to the **Demonstration Script**, which is subject to change by the County prior to Demonstrations. The Project Manager will provide a final TRT report to the Evaluation Committee members prior to the Final Evaluation Committee meeting.
3. In accordance with [Section 286.0113](#), Florida Statutes, and pursuant to the direction of the Broward County Board of Commissioners, Demonstration Meetings are closed. Only the Vendor's team, County staff, and County's representative (if applicable) may attend.

**N. Presentations**

1. Vendors that are determined to be both responsive and responsible to the solicitation's requirements and shortlisted (if applicable) may make a presentation to the Evaluation Committee on the Vendor's submittal. The committee may provide a list of presentation topics. Each Vendor will have equal time to present; question-and-answer time may vary by Vendor.
2. In accordance with [Section 286.0113](#), Florida Statutes, and the direction of the Broward County Board of Commissioners, presentations during Evaluation Committee meetings are closed. Only the Evaluation Committee members, County staff (and County's representative, if applicable), and the Vendor and their team scheduled for that presentation will be present in the meeting during the presentation and subsequent question and answer period. Subconsultants/subcontractors may only participate during one presentation/question and answer session, if partnering with multiple prime vendors.

**O. Evaluation Committee Meetings, Committee Questions, Request for Clarifications, Additional Information**

1. Evaluation Committee Meetings dates, times and locations are posted on Broward County's [Sunshine Meetings](#) website.
2. At any committee meeting, the Evaluation Committee members may ask questions, request clarification, or require additional information of any Vendor's submittal or proposal. It is highly recommended Vendors attend to answer any committee questions (if requested), including a Vendor representative that has the authority to bind the Vendor. Vendor's answers may impact evaluation (and scoring, if applicable).

**P. Confidential Material; Public Records and Exemptions**

1. Broward County is a public agency subject to Chapter 119, Florida Statutes. Upon receipt, all submittals become "public records" and are subject to public disclosure consistent with Chapter 119, Florida

Statutes. Submittals may be posted on the County's public website or provided by the County in a public records request response, except to the extent records are identified by the Vendor as confidential and/or exempt pursuant to the public records law and in accordance with the procedures in this section.

2. Any material(s) that the Vendor asserts are confidential and/or exempt from public disclosure under Florida Statutes must be conspicuously labeled at the time of submittal as "Confidential" and marked with the specific Florida statute and subsection permitting that exemption under Florida public records law.
3. To submit material as confidential and/or exempt, the Vendor must submit to "Broward County Purchasing Division, 115 South Andrews Avenue, Room 212, Fort Lauderdale, Florida 33301," in a sealed envelope labeled with the solicitation number and title, name and contact information for the Vendor, itemization of the contents, identification of the Florida statute(s) and subsection(s) permitting the applicable exemption(s), and the solicitation's closing date and time, the following:
  - a. Three (3) hard copies of the materials, unredacted, with each page containing material that is confidential and/or exempt conspicuously labeled "Confidential"; and
  - b. One (1) copy of the same materials, titled "Redacted Copy," redacted to remove/redact only those portions of the materials that are confidential and/or exempt under Florida law.
4. If the Vendor does not submit the materials in strict accordance with this section, then the Vendor may be deemed to have waived any claim that the materials are confidential and/or exempt and the County is deemed authorized to post the entire submittal on the County's public website and/or produce the entire submittal in response to a public records request for the materials.
5. By submitting materials marked as confidential and/or exempt, Vendor agrees to indemnify County and its employees and agents from any and all claims, fines, penalties, damages, judgments, and liabilities of any kind, including attorneys' fees and costs, relating to the County's nondisclosure of those materials in response to a public records request by a third party. The Vendor shall be responsible for defending its determination that the redacted portions are not subject to disclosure under applicable law.
6. Submitting material as confidential and/or exempt may impact discussion and consideration of the Vendor's submittal by the Evaluation Committee because the Evaluation Committee may be unable to fully discuss the confidential and/or exempt material at the public evaluation meeting.

**Q. Copyrighted Materials**

Submittal of copyrighted material will constitute a license and permission for the County to use, reproduce, distribute, and publish (including both hard copy and electronic copies) as reasonably necessary for the evaluation of the solicitation response by County staff and agents, as well as to make the materials available for inspection or production pursuant to Public Records Law, [Chapter 119](#), Florida Statutes.

**R. Public Art and Design Program**

Not applicable to this solicitation.

**S. Tiebreaker Criteria**

In accordance with [Section 21.42\(d\)](#) of the Broward County Procurement Code, the tiebreaker criteria shall be applied based upon the information provided in the Vendor's solicitation response at time of submittal. Complete and accurate information must be contained in the Vendor's initial submittal to ensure credit is

received for any tiebreaker criterion. Except to the extent precluded by applicable funding or legal requirements, tiebreaker criteria are as follows:

1. Location Certification;
2. Domestic Partnership Act Certification;
3. Volume of Previous Payments Attestation;
4. If the foregoing does not resolve the tie, the Evaluation Committee shall reconsider the responses and re-rank the tied vendors;
5. If the foregoing does not resolve the tie, the Vendor receiving the most first place votes from the Evaluation Committee's reranking.

#### **T. Posting of Solicitation Results and Recommendations**

The Broward County Purchasing Division's website is the location for the County's posting of all solicitations and recommendation for award and recommendation of rankings. It is the obligation of each Vendor to monitor the website in order to obtain complete and timely information.

#### **U. Vendor Protest**

[Part X](#) of the Broward County Procurement Code sets forth procedural requirements that apply if a Vendor intends to protest a solicitation or proposed award of a contract and states in part the following:

1. Any written protest concerning the specifications or requirements of a solicitation (or of any addenda thereto) must be received by the Director of Purchasing within five (5) business days after the applicable solicitation (or addenda) is posted on the Purchasing Division's website.
2. Any written protest concerning a proposed award or ranking must be received by the Director of Purchasing within five (5) business days after the proposed award or ranking is posted on the Purchasing Division's website.
3. Failure to file a written protest so that it is received by the Director of Purchasing within the timeframes set forth in Part X of the Broward County Procurement Code shall constitute a waiver of the right to protest. A protest submitted to anyone other than the Director of Purchasing shall not be a valid protest.
4. Except as to any protest of the specifications or requirements of a solicitation, as a condition of initiating any protest, the protestor must, concurrently with filing the protest, pay a filing fee for the purpose of defraying the costs in administering the protest in accordance with the scheduled provided below. The filing fee shall be refunded if the protestor prevails in the protest. Failure to timely pay the required filing fee shall render the protest invalid.

<u>Estimated Contract Amount</u>	<u>Filing Fee</u>
Mandatory Bid Amount up to \$250,000	\$500
\$250,000 - \$500,00	\$1,000
\$500,001 - \$5 million	\$3,000
Over \$5 million	\$5,000

The estimated contract amount shall be the total bid (proposal) amount offered by the protesting Vendor in its response to the solicitation, inclusive of any contract renewals or extensions. If no amount was submitted by the protestor, the estimated contract amount shall be the County's estimated procurement

contract price. The County will accept a filing fee in the form of a money order, certified check, or cashier's check, payable to "Broward County," or other manner of payment approved by the Director of Purchasing.

#### **V. Right To Appeal**

The protestor may appeal the Director of Purchasing's denial of the protest with respect to the proposed award of a solicitation in accordance with [Part XII](#) of the Broward County Procurement Code. Decisions by the Director of Purchasing with respect to the specifications or requirements of a solicitation may only be appealed to the County Administrator or their designee, who shall determine the method, timing, and process of the appeal and whose decision shall be final.

1. The appeal must be received by the Director of Purchasing within ten (10) days after the date of the determination being appealed.
2. The appeal must be accompanied by an appeal bond by a Vendor having standing to protest and must comply with all other requirements of Part XII of the Broward County Procurement Code. The appeal bond is based on the estimated contract amount, per Section 21.84 of the Procurement Code.
3. Except as otherwise provided by law, the filing of an appeal is an administrative remedy that must be exhausted prior to the filing of any civil action against the County concerning any subject matter that, had an appeal been filed, could have been addressed as part of the appeal.

#### **W. Rejection of Responses**

The Director of Purchasing may reject all responses to a solicitation, even when only one response is received, if the Director of Purchasing determines that doing so would be in the best interest of the County; provided, however, that only the Board may reject all responses to a solicitation where the issuance of the solicitation was approved by the Board.

#### **X. Negotiations**

Once a ranking is deemed final, the County shall commence contract negotiations with the top-ranked Vendor (or, if provided in the solicitation, with multiple top-ranked Vendors simultaneously). If the negotiation does not result in mutually satisfactory contract terms within a reasonable time, as determined by the Director of Purchasing, then the Director of Purchasing may terminate negotiations with the applicable Vendor and commence (or continue, if the solicitation provided for negotiation with multiple top-ranked Vendors) negotiations with the next-ranked Vendor(s) or issue a new solicitation, as the Director of Purchasing determines to be in the best interest of the County.

#### **Y. Submittal Instructions**

1. Vendor MUST submit its solicitation response electronically through Bonfire BRPO and receive a Submission Receipt. It is solely the Vendor's responsibility to ensure its response is submitted and received through Bonfire BPRO by the closing date and time. The County will not consider solicitation responses received by other means. Vendors are encouraged to submit in advance of the closing date and time. Refer to the [Purchasing Division website](#) or contact [Bonfire](#) for submittal instructions. In the event that the Vendor is having difficulty submitting a document, immediately notify the Purchasing Agent and then contact Bonfire BPRO for technical assistance.
2. Vendor must view and download each of the documents in the electronic bidding system.
3. After all documents are viewed and downloaded from the electronic bidding system, the Vendor must

upload additional information requested by the solicitation (i.e. Evaluation Criteria, certifications, etc.) in the Provide Submission Information section in the electronic bidding system, Evaluation Criteria responses should be non-locked file format.

4. If a Vendor is declaring any material confidential and exempt from Public Records, refer to Confidential Material; Public Records and Exemptions section for submittal instructions.
5. After all files are uploaded, Vendor must submit and finalize submission for offer to be received electronically through the electronic bidding system.
6. If a solicitation includes a Bond Requirement (Responsiveness Criteria), the Vendor must submit in a sealed envelope, labeled with the solicitation number, title, by the solicitation's closing date and time, to:

Broward County Purchasing Division  
115 South Andrews Avenue, Room 212  
Fort Lauderdale, FL 33301

A copy of the bond should also be uploaded into the electronic bidding system; this does not replace the requirement to submit an original bond by the solicitation's closing date and time.

7. Broward County does not require any personal information (as defined under [Section 501.171](#), Florida Statutes), such as social security numbers, driver license numbers, passport, military ID, bank account or credit card numbers, or any personal pin numbers, in order to submit a response for ANY Broward County solicitation. DO NOT INCLUDE any personal information data in any document submitted to the County. If any personal information data is part of a submittal, this information must be redacted prior to submission to the County.

*Form Date 2/14/25*

21.42. - Procedures for RFPs, RLIs, and RFQs.

- (a) *Matters Related to Pricing.* When price is a factor in an RFP, RLI, or RFQ, the provisions in Sections 21.41(a) through (c) of this Code shall apply to the solicitation.
- (b) *Withdrawal of Responses.* The provisions of Section 21.41(e) shall apply to RFPs, RLIs, and RFQs. In addition, a vendor may also withdraw its response upon written approval by the Director of Purchasing if the vendor demonstrates to the reasonable satisfaction of the Director of Purchasing that withdrawal should be permitted based upon the grounds stated in the vendor's written justification, and the Director of Purchasing determines in writing that withdrawal would not be contrary to the purposes of this Code.
- (c) *Evaluation of Responses.* An Evaluation Committee, appointed in accordance with Section 21.45 of this Code, shall evaluate all responses to RFP, RLIs, and RFQs that have been deemed responsive by the Director of Purchasing. The Evaluation Committee's review, including shortlisting, scoring, and ranking, as applicable, shall be solely based on the evaluation factors set forth in the solicitation unless otherwise stated in this Code. If so provided in the solicitation, the Evaluation Committee shall accept presentations from responsive vendors with respect to their qualifications and responses. The Evaluation Committee may (1) shortlist vendors and then score or rank only the shortlisted vendors; or (2) score and/or rank all responses.
- (d) *Criteria for Breaking Ties.* If an Evaluation Committee's scoring or ranking results in two (2) or more vendors being tied, the tie shall be broken by the application of the criteria listed below in the order listed. Unless otherwise provided by law, the criteria shall be applied by the Purchasing Division based on the information provided in the responses to the solicitation or any additional information determined appropriate for consideration by the Director of Purchasing.
  - (1) The vendor that is a locally based business; if the foregoing does not resolve the tie, the vendor that is a locally based subsidiary; if the foregoing does not resolve the tie, the vendor that is a local business, as those terms are defined in Section 1-74 of the Broward County Code of Ordinances.
  - (2) If the foregoing does not resolve the tie, the vendor that provides domestic partner benefits, if required by the solicitation.
  - (3) If the foregoing does not resolve the tie, the vendor that maintains a drug-free workplace program consistent with Section 287.087, Florida Statutes.
  - (4) If the foregoing does not resolve the tie, the vendor that has, based on the most recent information available, received the lowest dollar volume of payments from the County on contracts previously awarded to that vendor in the five (5) year period preceding the deadline for responses to the solicitation. The dollar amount shall be calculated based upon the amount paid by the County to the vendor, minus the total of the vendor's confirmed payments to County Business Enterprise (CBE) firms acting as subcontractors or subconsultants for the vendor on County contracts with established goals, as such amount is determined by OESBD.
  - (5) If the foregoing does not resolve the tie, the Evaluation Committee shall reconsider the responses and rerank the tied vendors.
  - (6) If the foregoing does not resolve the tie, the vendor receiving the most first-place votes from the Evaluation Committee's reranking.
- (e) *Notice of Ranking.* The Purchasing Division shall post the Evaluation Committee's ranking on the Purchasing Division's website. Rankings may be objected to in accordance with Section 21.42(h) or protested in accordance with Part X. The Purchasing Division shall, no later than the posting of the ranking, provide to the vendors that responded to the solicitation a summary of vendors' right to object and protest.
- (f) *No Objection or Protest of Ranking.* If no vendor timely objects or protests, the ranking shall be final, provided that no County Commissioner objects within five (5) business days after receiving notice from the Purchasing Division of the final ranking. If a County Commissioner objects to the ranking, the Board may consider the ranking in accordance with Section 21.42(j) of this Code.
- (g) *Discovery of Material New Information.* If, after the posting of a ranking, the Purchasing Division discovers new information that the Director of Purchasing determines would have been material to the Evaluation Committee's ranking, the Director of Purchasing shall promptly notify in writing each vendor that submitted a response to the solicitation and shall reconvene the Evaluation Committee to consider the information. The Evaluation Committee may issue a new ranking based on the information submitted, and the procedures set forth in Section 21.42(e) shall apply to any new ranking.
- (h) *Objection to Ranking.*
  - (1) A vendor may file with the Director of Purchasing a written objection to a ranking within three (3) business days after the ranking is posted on the Purchasing Division's website. The objection must be based on information that was not presented or submitted to the Evaluation Committee when it made the ranking. The objection must (1) identify the vendor submitting the objection and the solicitation involved; (2) include a clear statement of the information on which the objection is based; and (3) explain why the information, had it been presented or submitted to the Evaluation Committee, would have caused the Evaluation Committee to issue a different ranking. The objection must include all documents the submitting vendor offers in support of the objection, along with a statement from the submitting vendor attesting that all statements made in support of the objection are accurate, true, and correct.
  - (2) If the Director of Purchasing determines that the information provided in the objection would not have been material to the Evaluation Committee's ranking, the Director of Purchasing shall so inform the objecting vendor in writing and state the reasons for that determination.
  - (3) If the Director of Purchasing determines that the information provided in the objection would have been material to the Evaluation Committee's ranking, the Director of Purchasing shall schedule a meeting of the Evaluation Committee to consider the information. The Evaluation Committee may issue a new ranking based on the information submitted, and the procedures set forth in Section 21.42(e) shall apply to any new ranking.
- (i) *Protest of Ranking.* If a vendor protests a ranking in accordance with Part X of this Code, the Director of Purchasing shall not issue the award or submit the proposed award to the Board to award until the protest has been resolved; provided, however, that an award may be made by the appropriate awarding authority notwithstanding a filed protest if the Director of Purchasing determines in writing, pursuant to Section 21.68 of this Code, that the award must proceed without delay to protect a substantial interest of the County or the health, safety, and welfare of the County's residents, visitors, or employees.
- (j)

*Board Consideration of Evaluation Committee Ranking.* 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.

- (k) *Negotiations.* After a ranking is posted on the Purchasing Division website, the County shall commence contract negotiations with the top-ranked vendor (or, if provided in the solicitation, with multiple top-ranked vendors simultaneously). If the negotiation does not result in mutually satisfactory contract terms within a reasonable time, as determined by the Director of Purchasing, then the Director of Purchasing may terminate negotiations with the applicable vendor and commence (or continue, if the solicitation provided for negotiation with multiple top-ranked vendors) negotiations with the next-ranked vendor(s) or issue a new solicitation, as the Director of Purchasing determines to be in the best interest of the County.
- (l) *Award.* Once the County staff and a vendor reach agreement on a proposed contract, the negotiated contract shall be presented to the appropriate awarding authority for approval and execution. No contract shall be effective and binding on the County unless and until approved and executed by the authorized awarding authority.

(2021-085, 2-23-21; 2022-052, 2-8-22; 2023-276, 6-13-23; 2025-238, 6-10-25)