

BOARD OF COUNTY COMMISSIONERS



February 14, 2018

Mr. Charles Ross, Owner
CER Signature Cleaning
Signaturecleaning12@yahoo.com

Reference: Decision Regarding Protest of Indian River County Request for Proposals ("RFP") 2018018

Dear Mr. Ross:

We are in receipt of your letter of February 13, 2018 protesting the "bidding selections" made by the selection review committee. After review, the protest made by CER Signature Cleaning ("CER") is denied.

Background

Your protest asserts a second mandatory pre-solicitation conference should not have been held as a result of K's Commercial Cleaning being provided "wrong information".

Your protest also asserts Groups 4 and 5 were to be awarded together to a single firm and that recommendation as such has already been presented to the Board of County Commissioners.

Finally, your protest requests your firm either be awarded Group 2 or Groups 4 and 5.

Basis for Denial of Protest

In regards to the second mandatory pre-solicitation conference, Addendum 1, released to all planholders and downloaded from Demandstar by your firm on December 1, 2017 explained at least one firm was provided erroneous documents and that a second meeting was being held as a result. Additionally, the sign-in sheet detailing the firms in attendance for that second meeting was uploaded to Demandstar, and downloaded from Demandstar by your firm as part of Addendum 3 on December 6, 2017. Page 18 of the RFP documents describes the protest procedures and states: "The protest shall be submitted to the Purchasing Manager in writing within seven (7) calendar days after such aggrieved knows or should have known of the facts giving rise to the protest." A protest regarding the second pre-solicitation attendance was required to have been made by December 13, 2017.

In regards to your assertion that Groups 4 and 5 were to be awarded together to a single firm, the RFP and addenda do not state so, and in fact several statements exist to the contrary. Page 3 of the Request for Proposals document stated: "The County will award each group to one firm. No firm will be awarded more than one group." Additionally, Question 1 on addendum 1 and our response were: "Question: Can one firm be awarded all of the buildings? Answer: As stated on page 3 in scope of services and on the Proposal Pricing Form, no firm shall be awarded more than one of the five groups." Finally, Question 4 on addendum 3 and our response were: "Question #4: The RFP states that a firm will be awarded only one group of the five groups. The evaluation criteria do not breakdown how each of the groups will be awarded based on the evaluation criteria listed in the RFP. Can you please provide more specific information regarding how the award will be made for each group? Answer: Each group submitted will be scored by each member of the committee, based on the evaluation criteria. Firms will be ranked for each group they submitted on."

Office of Management and Budget • Purchasing Division
1800 27th Street, Vero Beach, Florida 32960 • (772) 226-1416 • Fax: (772) 770-5140
E-mail: purchasing@ircgov.com

At the conclusion of the initial ranking meeting, the selection review committee planned to request the Board waive the RFP's noted intent to award each group independently and recommend awarding Groups 4 and 5 together to American Janitorial, Inc. ("American"), ranked first in both Groups. After release of that initial ranking and anticipated recommendation on Demandstar and during preparation of the recommendation of award, an exponential increase to proposed cost for Group 4, and a significant increase to the cost of Group 5 was identified, and the committee reconvened to consider the recommendations for those two groups. The committee determined the cost proposed for Group 5 was consistent with those proposed by other firms, and maintained its position that the top ranked firm, American, be awarded Group 5. Group 4 was re-evaluated and ranked, with your firm receiving the committee's recommendation of award. No recommendation has yet been presented regarding this solicitation to the Board, and as noted on the Final Ranking memo, the final recommendation will be presented on February 20, 2018.

Finally, your protest that your firm should either be awarded Group 2 or both Groups 4 and 5 is not justified. Your firm was ranked 5th out of 10 ranked for Group 2 by the committee, based on the criteria stated within the RFP. The committee has recommended award to the firm that was ranked first (Beachland Cleaning Service). As explained, Groups 4 and 5 were not set forth in the RFP documents to be awarded to a single firm, and Group 5 has been recommended for award to the first ranked firm.


Conclusion

Should CER disagree with the denial of the protest and the bases described in this response, you may appeal this decision to the Board of County Commissioners at its February 20, 2018 meeting, when the Board will be asked to consider the recommended ranking of consultants under Public Works Departmental Items. If you do intend to appeal, please notify me in writing, as required by the Protest Procedure set forth in the Purchasing Manual. A notification of your intent by 5 p.m. on Friday, February 16th would be appreciated.

As a reminder, the cone of silence remains in effect, and will remain in effect until the item is called at the February 20, 2018 commission meeting. Per the cone of silence policy, you and your agents shall not communicate in any way with the Board of County Commissioners, County Administrator or any County staff other than Purchasing personnel until the Board meets to authorize award. Such communication may result in disqualification.

Please feel free to contact me at 226-1575 or by email at jhyde@ircgov.com if you have any questions regarding the protest procedure.

Sincerely,


Jennifer Hyde
Purchasing Manager

cc:

Mr. Jeff Simmons, American Janitorial, Inc.
Mr. Tom Heveron, Beachland Cleaning Service
Mr. Chang Kwack, K's Commercial Cleaning

Attachments:

CER Protest Letter, dated February 13, 2018