

January 5, 2016

Blake's Towing and Transport appeal to Delray Beach City Commission

RFP No. 2015-61

Vehicle Towing and Storage

Protest Committee

Original Meeting:

November 6, 2015, 3:30 pm

Protest Committee members:

Holly Vath, Chief Purchasing officer

David Scott, Committee Chair and Assistant City Manager

Randal Krejcarek, Director of Environmental Services Department

Purpose:

Pursuant to section 36.04 of the City of Delray Beach Municipal Code: Review all protest at a public meeting no more than twenty days after a bid protest is filed.

Protest Letters:

Blake's Towing and Transport October 26, 2015

Zuccala Wrecker Service, October 23, 2015

**Blake's Towing and Transport**

**Appeals Letter:**

**Blake's Towing and Transport**

Statement	Discussion	Finding
Specifications regarding revenue back to the City of Delray Beach, How much is the Recovery fee and how is it calculated.	The contract consists of two components. The first are the tow services for City vehicles. The second provides cost recovery fees (provides for City administrative support) to the City. The providers will charge residential and commercial customers the rates established by Palm Beach County.	
Selection Committee notes was never produced.	Section 1.8 of the RFP states that, These weighted criteria are provided to assist in the review of the proposals. These criteria also will guide the Selection Committee by establishing a general framework for the Selection Committee's deliberations during the short-listing and final ranking of Proposers. The Selection Committee will use a consensus approach during the review of the proposals. The Selection Committee will rank the Proposers using the weighted criteria, based on the evaluation of the merits of the Proposer's proposal.	
Holly Vath Purchasing Director being on the committee or having input on evaluation when she is the discussion maker on award.	Director of Purchasing was present but had no bearing on evaluation and the process	

<p>Recommendation for the award of the contract was placed on the docket prior to physical inspection which would determine whether each proposer was truly 'Responsible' as outlined in the RFP Section 1.8</p> <p>Ranking criteria how is it accumulated other than inspection giving Blake's complaint the ranking was posted before the inspection was done.</p>	<p>RFP Section 2.6 Subsidiary Compounds (e) All Proposer storage facilities shall be subject to inspection and must be approved by the city prior to the ward of a contract. The city Police Department performed the inspections for all proposers.</p>	
<p>Incumbent, Beck Towing was allowed to withhold annual tow information giving their company an unfair advantage in the bid process.</p>	<p>There was no requirement in the existing contract that required this information to be provided. Becks the current provider has indicated the exact numbers are not available.</p>	
<p>Recovery fee is based on invalid and completely erroneous annual tow information which skews the total fee paid back to the City of Delray Beach. The difference between a variable and constant recovery fee was misrepresented by the City Purchasing Manager to both the selection committee and at time of presentation on October 20, 2015</p>	<p>The City estimated approximately 3,922 tows from 4/2011 through 10/2014. This number was derived from approximately 2,400 tows logged through the police department dispatch, plus an estimate from the city garage (275 per year), and code enforcement tows (250 total), and an estimated 250 tow's per year at owner's request. All of the proposers were provided the same information in the RFP and each responded accordingly.</p>	
<p>There is no support or documentation of any kind to confirm that the selection committee actually utilized the criteria outlined in Section 1.8 of the RFP</p>	<p>These weighted criteria are provided to assist in the review of the proposals.</p>	

As outlined in Section 1.9 of the RFP, All proposers must warrant to the City of Delray Beach that it is not engaged in (subject to) investigation of any kind that would have an adverse effect on its ability to perform its obligations under the contract.	(Withdrawn) at the protest committee meeting of November 6, 2015	
No work sheet percentages were included to represent the standings.	Section 1.8 of the RFP states that, These weighted criteria are provided to assist in the review of the proposals. These criteria also will guide the Selection Committee by establishing a general framework for the Selection Committee's deliberations during the short-listing and final ranking of Proposers. The Selection Committee will use a consensus approach during the review of the proposals. The Selection Committee will rank the Proposers using the weighted criteria, based on the evaluation of the merits of the Proposer's proposal.	
The City staff and Towing contractors had questions and were never able to convey their concerns; to address exhibit 2 documentation has been provided with a side by side comparison.	Section 1.26 of the RFP (C) states that the cone of silence shall be in effect as of the deadline to submit the proposal, bid, or other response to the competitive solicitation.	