

December 28, 2015

**Protest Committee Meeting**

**RFP No. 2015-61**

**Vehicle Towing and Storage**

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 protests at a public meeting no more than 20 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**

Statement	Discussion	Finding
Incumbent, Beck's Towing was allowed to withhold annual tow information giving their company an unfair advantage in the bid process.	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.	No merit
Recommendations 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	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 award of a contract. The City Police Department performed the inspections for all proposers.	No merit

<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 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. 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 tows per year at owner's request. All of the proposers were provided the same information in the RFP and each responded accordingly. The recovery fee could be presented as constant or variable.</p>	<p>Continued to November 18, 2015</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>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.</p>	<p>No merit</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)	None
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**Zuccala’s Wrecker Service**

Statement	Discussion	Finding
The City staff and Towing contractors had questions and were never able to convey their concerns	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.	No merit
One of the City staff (Teresa Cantore) might have inverted her numbers or did not understand that the scale was set as the number 1 representing the highest score and the number 6 representing the lowest score.	City confirmed with Teresa Cantore that the scores were correct.	No merit
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.	No merit

The Protest Committee continued its meeting until November 18, 2015 to allow Blake’s Towing and Transport to provide evidence of the industry standard relating to the number of tows a municipality performs in a given year.

Statement	Discussion	Finding
<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. (continued from November 10, 2015)</p>	<p>Blake’s Towing argued that industry standard is 1-1.5% of the general population but provided no specific evidence.</p>	<p>No merit</p>