



DELRAY BEACH CRA
COMMUNITY REDEVELOPMENT AGENCY

March 11, 2019

VIA E-MAIL (kate.molinsky@firstgroup.com)

AND U.S. MAIL

Ms. Kate Molinsky
Senior Attorney
FirstGroup America, Inc.
600 Vine Street, Suite 1400
Cincinnati, OH 45202

Re: Formal Written Protest – Request for Proposal - CRA Project No. 2018-08
Fixed-Route Transportation Services

Dear Ms. Molinsky,

This letter shall confirm receipt of the bid protest dated March 8, 2019, with respect to the above-referenced Request for Proposal ("RFP"). In accordance with Section 3.17 of the Delray Beach Community Redevelopment Agency ("DBCRA") Request for Proposals, Project No. 2018-08 – Fixed-Route Transportation Services, and based on the facts set forth in this response, First Transit's protest is denied.

In its protest, First Transit asserts that Downtowner Holding, LLC's proposal was non-responsive because there was no reference to the use of environmentally friendly vehicles. First Transit's protest is further premised on notations made in an evaluator's scoring sheet. The facts asserted by First Transit are not sufficient to withhold the award as the award of the RFP, itself, and the proposed contract is conditioned on the proposer utilizing environmentally-friendly vehicles. Therefore, the DBCRA Board of Commissioners will insure that the award of the RFP is conditioned on the use of environmentally-friendly vehicles, and any contract with the successful proposer will contain the requirement to utilize environmentally friendly vehicles. Based on the foregoing, therefore, the protest is denied.

Consistent with Section 3.17 of the DBCRA's RFP, if the DBCRA Board makes a finding of no justification for First Transit's protest, the CRA Board may then accept the proposal and authorize the negotiation of the contract with the successful proposer. First Transit may appear at the CRA Board meeting and state the protest on the record; however, the CRA Board shall be free to accept the proposal from the successful proposer, and authorize the negotiation of an agreement with the successful proposer.

Sincerely,



Jeffrey A. Costello
Executive Director

cc: Shelly Petrolia, Chair
Members of the DBCRA Board of Commissioners
David N. Tolces, Assistant General Counsel