

May 1, 2024



**PEMBROKE PINES
CITY COMMISSION**

Angelo Castillo
MAYOR
954-450-1020
acastillo@ppines.com

Thomas Good, Jr
VICE MAYOR
DISTRICT 1
954-450-1030
tgood@ppines.com

Jay D. Schwartz
COMMISSIONER
DISTRICT 2
954-450-1030
jschwartz@ppines.com

Maria Rodriguez
COMMISSIONER
DISTRICT 3
954-450-1030
mrodriguez@ppines.com

COMMISSIONER
DISTRICT 4
954-450-1030

Charles F. Dodge
CITY MANAGER
954-450-1040
cdodge@ppines.com

VIA ELECTRONIC MAIL

David J. Moscoso, Esq.
2525 Ponce de Leon Blvd.
Coral Gables, FL 33314
dmoscoso@beckerlawyers.com

RE: Bid Protest Determination Letter to Protransportation, Inc. D/B/A Prokel Mobility ("ProKel") / City of Pembroke Pines ("City") Request for Proposals No. AD-23-02

Mr. Moscoso:

In accordance with Section 35.38 of the City's Code of Ordinances ("City Code"), this correspondence shall serve as the Purchasing Manager's determination regarding the bid protest submitted in response to the City's Request For Proposals # AD-23-02 entitled "Operation and Management of Transportation Services" (the "RFP"). After reviewing the City Code, the City's actions regarding the RFP, the Evaluation Committee's decision, and in consideration of your submitted bid protest and our collective in-person meeting on Wednesday, April 17, 2024, as requested by you and required by the City Code, the Procurement Director has decided to **deny your bid protest and present the Evaluation Committee's recommendation to the City Commission.**

In support of the Procurement Director's determination, please consider the following findings:

- 1) ProKel stated that the award recommendation should be set aside because Transportation Authority is a non-responsive party due to the following:**
- **The RFP guidelines explicitly state that respondents cannot provide the City of Pembroke Pines projects as a reference.**
 - **The RFP guidelines prohibit any current City of Pembroke Pines employees as reference contacts.**

As shown on page 37 of the RFP (**Exhibit A**) under Section 1.7(B), the City established the following weighted criteria for the RFP:

Criteria	Points
Project Cost	15 points
Experience and Ability	25 points
Previous Experience / References Form	12.5 points
Staffing and Training	20 points
Firm's Understanding and Approach to the Work	25 points
Veteran Owned Small Business Preference*	2.5 points
Total Points	100 points

In addition, pages 27 and 28 of the RFP (**Exhibit B**) under Tab 2 entitled “Previous Experience / References Form (12.5 points),” states for the proposers to:

“Provide specific examples of similar contracts for Transportation Services for School systems, Shuttle Bus for Seniors, and Community Service Bus transportation. Provide details on related projects (preferably where the team was the same). References should be from the last five years and should be capable of explaining and confirming your firm’s capacity to successfully complete the scope of work outlined herein. As part of the proposal evaluation process, the City may conduct an investigation of references, including a record check or consumer affairs complaints. Proposers’ submission of a proposal constitutes acknowledgment of the process and consent to investigate. **The City is the sole judge in determining Proposers qualifications.**” (Emphasis added).

In regards to the References Form portion, you will have the ability to enter information for 5 different references including the Reference Contact Information and the specific Project Information.

In addition, **do not provide City of Pembroke Pines projects as any of your references and do not utilize any current City of Pembroke Pines employees as reference contacts.**

As shown on page 28 of the RFP, Tab 2 is divided into separate sections, one entitled “Previous Experience” and the other titled “References Form.” The last paragraph in the excerpt above advises proposers to not provide City of Pembroke Pines projects and employees as references for the “References Form” of Tab 2 as the City does not contact our own current employees for reference checks. However, proposers may list City of Pembroke Pines projects under the “Previous Experience” section of Tab 2.

Even though Transportation Authority’s submittal for Tab 2 entitled “Previous Experience / References Form (12.5 points)” and attached herein as **Exhibit C**, listed the City as the only reference within the “References Form” section of Tab 2, the Evaluation Committee would still have been able to score Tab 2, which was worth 12.5 points out of a total 100 points. Unlike the “Project Cost” criteria, which is objective and based on a specific calculation outlined in the bid package, the remaining weighted criteria is subjective, and the Evaluation Committee members would score those criteria based on “Category Multipliers” and the “Quality Levels provided below.

Quality	Quality Level	Quality Description	Category Multiplier for Tab 2	Score for Tab 2
Excellent	5	Meets all requirements; reflects significant enhancements or strengths as compared to minimum levels of acceptability; no offsetting weaknesses.	2.5 points	12.5 points
Very Good	4	Meets all requirements; reflects some enhancements or strengths; few if any offsetting weaknesses.	2.5 points	10 points

Good	3	Meets minimum requirements; strengths and weaknesses, if any, tend to offset one another equally.	2.5 points	7.5 points
Fair	2	Contains significant weaknesses only partially offset by less pronounced strengths; may meet minimum requirements but doubt exists.	2.5 points	5 points
Poor	1	Serious doubt exists about ability to meet needs but may be sufficient; significant weaknesses without offsetting strengths.	2.5 points	2.5 points
Deficient	0	Will not meet minimum requirements.	2.5 points	0 points

The Category Multiplier for the “Previous Experience / References Form (12.5 points)” section would have been 2.5 points. Therefore, each of the Evaluation Committee members had the option to score the “Previous Experience / References Form (12.5 points),” which could have potentially been a score of “0 points” for “Deficient.”

Staff provided the Evaluation Committee with all of the necessary information and the Evaluation Committee had the opportunity to consider the information provided, the presentations made by each interested bidder, and the discussions that occurred during the “Questions and Answers” portion of the presentations. It is evident that the Evaluation Committee, pursuant to its consideration of the information it was provided and its deliberations regarding the submitted proposals, did not determine Transportation Authority’s inclusion of City references to be a material irregularity.

In addition, during the in-person bid protest meeting on April 17, 2024, ProKel raised concerns over Assistant City Manager Jonathan Bonilla serving as both a member and chair of the Evaluation Committee given the fact that Transportation Authority listed him as a reference. Assistant City Manager Bonilla’s role as Chair and member of the Evaluation Committee was characterized by ProKel during the Bid Protest meeting as a “violation of the integrity that the RFP process looks to uphold” and an ethical conflict. However, it is important to mention that while this Department recommends the Evaluation Committee members to the City Manager for approval, most of whom are selected due to being subject matter experts in the particular field that the Committee is evaluating, the City’s evaluation committees customarily select their own Chair as the Committee’s first order of business. In addition, all Evaluation Committee members sign an electronic Conflict of Interest Form to indicate if they have a conflict of interest with any of the proposers. As shown in the completed Evaluation Committee Conflict of Interest Declarations (**Exhibit H**), none of the evaluators had a conflict with any of the proposers.

Further, Sec. 112.3143, Fla. Stat., entitled “Voting Conflicts” provides that a voting conflict exists when the vote inures to the special private gain or loss of the voting member or the voting member’s employer, relative, or business associate without first disclosing the nature of his or her interest in the matter. Absent the disclosure of such conflict to the City by Mr. Bonilla, or any other evidence that Mr. Bonilla’s vote is violative of Chapter 112, Fla. Stat., there is no reason to believe that a voting conflict existed for Mr. Bonilla as a member of the Evaluation Committee.

Lastly, it is common practice for vendors to cite the primary contact from their clients as references. In consideration of the foregoing, I see no issue with including Mr. Bonilla on the evaluation committee.

2) ProKel stated that the award recommendation should be set aside because the Evaluation Committee's process is not compliant under the law, due to the following:

- **The Evaluation Committee's determination of ProKel as a non-responsive party is based on an arbitrary and capricious definition of the term "reimbursement", which conflates the meaning of "reimbursement" with the term "pass through", which is unreferenced and undefined under the RFP guidelines. The Evaluation Committee's determination that ProKel is a non-responsive party because they intended to include a calculation of cost of work for items that are specifically allowable under the RFP guidelines runs contrary to the guidelines of the RFP.**
- **The Evaluation Committee's determination of ProKel as a non-responsive party is arbitrary and capricious because it fails to observe pre-established guidelines in the RFP.**

The City posted the RFP on the City's online e-Procurement platform, Bonfire, on December 13, 2023 and held a Non-Mandatory Pre-Bid Meeting on January 4, 2024 at 9:00 AM and also allowed prospective bidders to submit written questions via the online platform through January 9, 2024 at 9:00 AM. No vendors or members of the public attended the Non-Mandatory Pre-Bid Meeting and ProKel did not submit any written questions during this period. The RFP also had a submittal deadline of January 23, 2024 at 2:00 PM for vendors to upload their proposals.

Section 1.4.1 of the RFP, titled "COMPENSATION," (**Exhibit D**) lists various costs to be reimbursed under the contract, such as insurance and bond premiums. However, under the list of 15 line items, it does not list "profit" as a cost to be reimbursed under the awarded contract.

On January 22, 2024, after the question submission deadline outlined in the RFP, and only one day prior to the deadline for submittal of the proposals, Eduardo Carrion, Chief Operating Officer of ProKel, called the Procurement Department and spoke with the Procurement Director and asked questions regarding Attachment K of the RFP entitled "Pricing Submission Sheet – Labor Rates." Mr. Carrion's concern was that Attachment K only listed employee positions and labor rates and did not include other costs that ProKel would need to charge such as profits, insurance, bonds, etc. As the Procurement Director, I explained that costs such as insurance and bonds would be reimbursed as outlined in the RFP and would not need to be submitted in the vendor's proposal. I further explained that the current contractor doesn't charge the City for any separate profit costs, as the current contractor is an owner/operator, in which their salary would be included as the Transportation Director position on Attachment K and would be reimbursed similar to the other employees listed on Attachment K. Mr. Carrion went on to explain that his company was a for-profit company and can't just receive a salary and would have to charge for profit. I explained to Mr. Carrion that the solicitation was not drafted in a way to list a separate profit line as it was drafted to be similar to the City's current contract (as directed by the City Commission). Mr. Carrion expressed that he would still like to submit a proposal to the City for consideration at which point I explained to him that he could potentially add a line item to Attachment K to add the cost of the profit that they intended to charge the City along with an exceptions list addressing their cost for profits, which the Evaluation Committee may potentially consider.

ProKel's proposal included their completed "Attachment K – Pricing Submission Sheet – Labor Rates" (**Exhibit E**) which did not indicate any costs for their profits. In addition, ProKel submitted their "Requested Contract Exceptions" (**Exhibit F**) in which they stated the following: "ProKel Mobility understands that the current Operation and Management of Transportation Services is a passthrough model, but your pricing submission sheet does not account for any of the above-mentioned costs." Exhibit F, as submitted, provides that "ProKel Mobility would like the opportunity to discuss the pricing format and additional cost not reflected in 'Attachment K'." ProKel listed various costs that the City already identified in the RFP as reimbursements, with the addition of "profit costs." However, ProKel did not address a specific value for the profit in which they were requesting.

During the Evaluation Committee meeting, ProKel was asked about the "profit" referenced in their "Requested Contract Exceptions" in which Mr. Carrion admitted the following:

"[...] my thought process was that taxes would not be a pass-through, I mean, so-so, do I come to you and tell you how much the taxes are and you are going to pay it, I mean, ah, I didn't understand how that would work but anyways so in our discussion was ok let's, let's, put an exception, so I created a form that's included, an exception, letting you guys know that yes we are complying with your Attachment K, we put our price, but we also understand that there are some pass-through elements and then there are some other elements that are not pass-throughs, my profits can't be a pass-through and obviously I'm not going to charge you profit on a pass-through. Ok, the only thing I'm charging you profit on is those items, basically your, you know, ah, drug testing the employees, that kind of stuff. So, my thought process was, let's get through this, if we are selected on the point system, then we can then sit down and discuss what would be what, ah, I mean we could, we can do a fixed cost and variable, we could, you know, whatever way you would like to see it happen, but obviously we're a for-profit, and there's no way that K, Attachment K had any profit in it." (See Time Stamp 0:51.17 from the recording of the March 19, 2024 Meeting of the Evaluation Committee as recorded in the file named "6&8 - Audio Recording AD-23-02. wav").

Even though, Mr. Carrion stated that his thought process would be that taxes would not be a pass-through, section 1.4.1 of the RFP, entitled "COMPENSATION", (**Exhibit D**) clearly listed items that would be reimbursed under the contract, which included items such as "Costs paid by Contractor for taxes, insurance, contributions, for benefits, or other taxes required by law" and further provides that the City shall pre-approve employee benefit plans.

Furthermore, during the Evaluation Committee meeting, it was re-explained to Mr. Carrion that, as outlined in Section 1.7.1 "Scoring for Project Cost Criteria" of the RFP (**Exhibit G**), the Evaluation Committee would be scoring the Cost Criteria based on an objective calculation and that the specifications are drafted pursuant to the City Commission's directions to stay in the same format as the City's current contract, which does not have "profit" as a fee that the City would pay to the awarded Contractor.

As a result, the Evaluation Committee asked about ProKel's intended profit or profit margin, which was not a part of the submitted proposal. Mr. Carrion explained that he estimated ProKel's pass-through costs as \$2.6 million dollars and calculated a 12% profit margin on those items, however he didn't specifically identify the exact cost of the profit that they would want to charge

the City. (See Time Stamp 0:54.35 from the recording of the March 19, 2024 Meeting of the Evaluation Committee as recorded in the file named "6&8 - Audio Recording AD-23-02.wav").

Based on the total cost submitted as part of Attachment K for each of the firms, the calculation of the Project Cost criteria would have been the following:

Vendor	Total Amount on Attachment K	Calculated Score Based
Transportation Authority, LLC.	\$3,175,031.20	14.29 points
Protransportation, Inc. ("ProKel")	\$3,024,779.20	15.00 points

Even though Mr. Carrion did not clearly state what the additional cost of their newly-proposed profit would be, if he intended for the profit to be 12% of \$2.6 million dollars, that would have increased their total proposed contract amount by \$312,000, which would have resulted in the following revised scoring for the Project Cost criteria:

Vendor	Total Amount on Attachment K	Calculated Score Based
Transportation Authority, LLC.	\$3,175,031.20	15.00 points
Protransportation, Inc. ("ProKel")	\$3,336,779.20	14.27 points

However, based on the conversation, the total proposed price likely could have exceeded the additional \$312,000, as it was unclear if ProKel would also be including a 12% profit against the \$3,024,779.20 that was listed in their completed Attachment K for salaries, or any additional items that it could potentially be applied to.

Assistant City Attorney, Paul Hernandez, weighed in on the Committee's options, in light of the information that had been provided to the Committee and the Committee's discussion with ProKel, particularly that:

- Transportation Authority does not charge a profit as the owner is the Transportation Director and would have their salary reimbursed in the same fashion as the bus drivers and other employees covered in the contract, and;
- the City did not include "profit" as a reimbursable cost outlined in the RFP, and;
- ProKel stated that they needed to add profit as a cost to the City at a later time, and;
- ProKel decided not to specifically identify an actual value of what they would charge as profit in their bid submittal, and
- ProKel requested exceptions to the RFP.

Assistant City Attorney Hernandez, advised that the City issued a Request for Proposals (RFP) and that vendors are not permitted to supplement or revise their pricing after the bids have been submitted and opened. Furthermore, in this case, the bids have also become public records and the vendors would have already had an opportunity to look at what was submitted by their

competitor, as a result it would not be fair to allow the vendor to adjust their pricing at this point. **Time Stamp 1:01.42 from the recording of the March 19, 2024 Meeting of the Evaluation Committee as recorded in the file named "6&8 - Audio Recording AD-23-02. wav").**

Consequently, Daniel Rotstein, Assistant City Manager and Human Resources and Risk Manager serving as an evaluation committee member, made the motion to deem ProKel as non-responsive since the City did not have enough information submitted in the vendor's bid response to calculate the objective scoring for the Project Cost criteria. Mr. Rotstein's motion was passed unanimously by the Evaluation Committee.

ProKel claims that the evaluation committee deemed them as non-responsive due to a misunderstanding between the terms "reimbursement" and "pass through". However, the Evaluation Committee actually deemed them non-responsive because they intended to impose additional costs on the City for profit, a detail not outlined in the bid package nor reflective of the current contract terms. Despite the opportunity to attempt to address this matter through the submittal of an exception list, ProKel's submitted exception list did not clearly specify the value of the cost that ProKel would charge the City for profit.

Furthermore, the Evaluation Committee is not required to evaluate any submission in which the proposer requests "exceptions" to the RFP and the Contract. The consideration of such exceptions is within the City's sole discretion.

ProKel also claims that "profit" was an allowable cost according to the RFP guidelines. However, the bid package did not mention profit, and I fail to see how ProKel could interpret "profit" as a "cost to be reimbursed" under Section 1.4.1 of the RFP. As previously noted, ProKel was well aware of this, as Mr. Carrion contacted the Procurement Director the day before the bids were due, seeking clarification on profit inclusion. ProKel, however, chose not to specify the value it intended to charge the City for profit in their submitted proposal.

Additionally, in the April 17, 2024 meeting, ProKel mentioned that during the verbal discussion the day before the bid deadline, the Procurement Director should have dissuaded or otherwise advised Mr. Carrion against submitting a bid rather than suggesting he submit a document citing their exceptions to the bid specifications. I hold a differing opinion from ProKel on this matter and believe it's important for the City's Procurement Director not to discourage vendors from submitting responses to the City.

In addition, Section 35.38(C) of the City's Code of Ordinances relating to the Bid Protest Procedures states that "A bidder wishing to object to terms, conditions, specifications, procedures, selection criteria, weight of evaluation criteria or other matter set forth in the bid or proposed documents must make such objections in writing during the period of time set forth for questions and answers in the invitation to bid, request for proposal, request for qualifications or request for letters of interest. A bidder who has not raised such objections in writing during the question and answer time may not use the bid protest process to object to these matters once a notice of bid/proposal action has been posted."

Many of the matters that ProKel has presented to the City through its bid protest specifically concern objections to terms, conditions, specifications, procedures, selection criteria, weight of evaluation criteria, or other matters set forth in the bid. During the Bid Protest meeting, ProKel

requested for the City to re-bid the project specifically to provide the City with the opportunity to amend the specifications within the Bid. However, as noted within this Determination Letter, ProKel failed to submit a written objection to the RFP or any of its terms during the time set forth for the questions and answers period provided by the RFP. As outlined in Section 35.38(C) of the City Code, objections must be raised in writing during the question and answer period. Failure to do so precludes the use of the bid protest process to contest these matters once a notice of bid/proposal action has been issued.

Conclusion

For the foregoing reasons, ProKel's bid protest is denied and this Department will move forward with presenting the Commission with the Evaluation Committee's recommendation to award a contract to Transportation Authority.

Sincerely,



Mark Gomes, Procurement Director / Public Services Administrative Manager

CC: Charles F. Dodge, City Manager
Byron Granda-Paez, Assistant Purchasing Manager
Samuel S. Goren, City Attorney
Jacob G. Horowitz, Deputy City Attorney
Paul Hernandez, Assistant City Attorney
Kelly Gonzalez Jr., CEO, Prokel Mobility

Enclosure(s):

- **Exhibit A** - Page 37 from RFP # AD-23-02
- **Exhibit B** - Pages 27 & 28 with Tab 2 from RFP # AD-23-02
- **Exhibit C** - Exhibit C - Transportation Authority's Submittal for Tab 2 Previous Experience and References Form
- **Exhibit D** - Section 1.4.1 of the RFP (Pages 13 & 14 of the RFP)
- **Exhibit E** - ProKel's Completed Attachment K
- **Exhibit F** - ProKel's Requested Contract Exceptions
- **Exhibit G** - Section 1.7.1 of the RFP (Page 38 of the RFP)
- **Exhibit H** - Evaluation Committee Conflict of Interest Declarations



agreement, the Contractor shall also complete and submit the **Standard Form - LLL, "Disclosure Form to Report Lobbying,"** in accordance with its instructions.

b. Debarment, Suspension and Other Responsibility Matters:

- i. Where the Contractor is unable to certify to any of the statements in the certification for **Debarment, Suspension and Other Responsibility Matters**, he or she shall **provide an explanation.**

1.6.12 Minority-Owned Business Enterprise

1.6.13 Woman-Owned Business Enterprise

1.6.14 HUBZone-Certified Small Businesses / Labor Surplus Area Firms

1.7 EVALUATION OF PROPOSALS & PROCESS OF SELECTION

- A. Staff will evaluate all responsive proposals received from proposers who meet or exceed the bid requirements contained in this solicitation. Evaluations shall be based upon the information and references contained in the proposals as submitted. **As such, the Proposal should be as comprehensive as possible; clearly describing the details of services that the Proposer intends to provide.**
- B. The City will convene an Evaluation Committee and brief its members on the scope of the project and the services required. The Evaluation Committee will evaluate proposals based on the following criteria:

Criteria	Points
Project Cost	15 points
Experience and Ability	25 points
Previous Experience / References Form	12.5 points
Staffing and Training	20 points
Firm's Understanding and Approach to the Work	25 points
Veteran Owned Small Business Preference*	2.5 points
Total Points	100 points

**Please note that Veteran Owned Small Business (VOSB) is used to evaluate the submittals received from proposers and are assigned point totals, a preference of two and a half (2.5) points of the total evaluation point shall be given to the Veteran Owned Small Businesses. Vendors must submit the attached Veteran Owned Small Business Preference Certification Form in order to qualify for these evaluation points.*

All other vendors shall receive zero (0) points.



5. Describe the specialized experience and technical competence of the firm with respect to working on:
 - a. School Transportation Services
 - b. Community Bus Services
 - c. Senior Transportation Services
6. How has your firm demonstrated adaptability to diverse service models, especially considering the unique requirements of educational transportation, senior shuttles, and community services?
7. Do you have a minimum of five (5) years of experience with similar School and Shuttle Bus Transportation Services? Please provide proof of such experience.
8. The firm or person's must provide information on their proximity to and familiarity with the area in which the project is located.
9. Explain the availability and access to the firm's top level management personnel.
10. Please describe the past record of performance of the firm or person with respect to accessibility to clients, ability to meet schedules, communication and coordination skills.
11. List ongoing contracts/projects with their current status and projected termination dates.
12. How does your company plan to cover expenses while waiting for reimbursement from the City for approved expenses?
13. Provide a summary of your financial stability and capacity to manage the cash flow associated with the operation of transportation service.
14. What is your reputation compared to your peers in the market?
15. What is your reputation like among customers and how have you developed it?
16. How does your service differ from similar competitors'? How do you win and retain business?

Tab 2 - Previous Experience / References Form (12.5 points):

Provide specific examples of similar contracts for Transportation Services for School systems, Shuttle Bus for Seniors, and Community Service Bus transportation. Provide details on related projects (preferably where the team was the same). References should be from the last five years and should be capable of explaining and confirming your firm's capacity to successfully complete the scope of work outlined herein. As part of the proposal evaluation process, the City may conduct an investigation of references, including a record check or consumer affairs complaints. Proposers' submission of a proposal constitutes acknowledgment of the process and consent to investigate. The City is the sole judge in determining Proposers qualifications.

In regards to the References Form portion, you will have the ability to enter information for 5 different references including the Reference Contact Information and the specific Project Information.



In addition, **do not provide City of Pembroke Pines projects as any of your references and do not utilize any current City of Pembroke Pines employees as reference contacts.**

1. Previous Experience:

- a. How many clients have you provided Services for?
- b. What similar or related projects have you worked on within the past five years?
- c. What challenges did you face and how did you overcome them?
- d. How many of your clients are repeat clients?
- e. How long have you maintained relationships with your clients, and can you share insights into the nature of the collaboration over time?
- f. How much of your revenue is derived from managing projects similar to ours?
- g. Can you share instances where issues or challenges arose during previous projects, and how your firm addressed and resolved these issues to ensure a successful outcome?
- h. Highlight key success stories and achievements from your firm's experience in managing transportation services, showcasing positive outcomes and satisfied clients.
- i. How would your clients assess your firm's transparency in financial matters, such as billing processes, adherence to budgets, and overall fiscal responsibility?

2. References Form: Please provide references for your Services.

a. References Contact Information

- i. Name of Firm, City, County or Agency
- ii. Address
- iii. Contact Name
- iv. Contact Title
- v. Contact E-mail Address
- vi. Contact Telephone #

b. Project Information

- i. Name of Contractor Performing the work
- ii. Name and location of the project
- iii. Nature of the firm's responsibility on the project
- iv. Project duration
- v. Completion (Anticipated) Date
- vi. Size of project
- vii. Cost of project
- viii. Work for which staff was responsible

Tab 3 – Staffing and Training (20 points):

Question Set 2: Previous Experience / References Form

Exhibit C

Question Set 2 Instructions

Provide specific examples of similar contracts for Transportation Services for School systems, Shuttle Bus for Seniors, and Community Service Bus transportation. Provide details on related projects (preferably where the team was the same). References should be from the last five years and should be capable of explaining and confirming your firm's capacity to successfully complete the scope of work outlined herein. As part of the proposal evaluation process, the City may conduct an investigation of references, including a record check or consumer affairs complaints. Proposers' submission of a proposal constitutes acknowledgment of the process and consent to investigate. The City is the sole judge in determining Proposers qualifications.

In regards to the References Form portion, you will have the ability to enter information for 5 different references including the Reference Contact Information and the specific Project Information.

In addition, do not provide City of Pembroke Pines projects as any of your references and do not utilize any current City of Pembroke Pines employees as reference contacts.

#	Question	Response	Comment
Previous Experience			
2.1.1	How many clients have you provided services for?	The TA's only client is the City	
2.1.2	What similar or related projects have you worked on within the past five years?	The TA has only contracted with the City since 2002	
2.1.3	What challenges did you face and how did you overcome them?	The TA has had challenges over the years. Assigning bus stops near students homes, finding the safest stops, adjusting CBS routes to accommodate residents requests and simply listening to all requests transportation to determine their validity. Most of these challenges were handled by going out in the field and actually viewing or inspecting a bus top before a decision is made. During the two year Covid crises we had to condense and combine bus routes due to reduced attendance. We also added electrosatic cleaning to our bus maintenance program for our entire fleet, reducing the risk of spreading the Covid Virus. We also made available to all riders, masks, if they came to our bus without one. We also placed see through plastic covering	
2.1.4	How many of your clients are repeat clients?	The TA's customer base for Field Trips are 90% repeatable	
2.1.5	How long have you maintained relationships with your clients, and can you share insights into the nature of the collaboration over time?	When the TA began operations in 2002 we brought a client base with us that due to providing excellent service we have maintained until today	
2.1.6	How much of your revenue is derived from managing projects similar to ours?	The only revenue the TA derives is from the City. The TA also provides Field Trips of approximately \$300,000 annually which is billed through the City's Finance System with all revenues the property of the City	
2.1.7	Can you share instances where issues or challenges arose during previous projects, and how your firm addressed and resolved these issues to ensure a successful outcome?	As stated in paragraph 2.1.3 note the challenges that we encountered and successfully addressed	
2.1.8	Highlight key success stories and achievements from your firm's experience in managing transportation services, showcasing positive outcomes and satisfied clients.	the TA's most positive outcome has been our relationship with the City's residents, including students and how we overcame the obstacles presented with the Covid crises. We have also added stops to our CBS routes that have made the City's transportation service available to additional residents	
2.1.9	How would your clients assess your firm's transparency in financial matters, such as billing processes, adherence to budgets, and overall fiscal responsibility?	The TA has always strived to bill clients in a timely manner, stay within the budget agreed with by the City to maintain fiscal responsibility	
Reference #1: Reference Contact Information			
2.2.1	Name of Firm, City, County or Agency	The City of Pembroke Pines Pembroke Pines Broward County	
2.2.2	Address	601 City Center Way Pembroke Pines 33025	

2.2.3	Contact Name	1. Charles Dodge, 2. Jonathan Bonilla, 3. Jay Shechter	
2.2.4	Contact Title	1. City Manager, 2. Assistant City Manager, 3. Community Services Director	
2.2.5	Contact E-mail Address	1. Cdodge@ppines.com 2. J Bonilla@ppines.com 3. Jshechter@ppines.com	
2.2.6	Contact Telephone #	C Dodge 954-431-4884- J Bonilla 954-849-0390 J Shechter 954-261-9149	
Reference #1: Project Information			
2.3.1	Name of Contractor Performing the work	Transportation Authority LLC	The only project the TA is associated with is providing transportation service for the City as we have done since 2002
2.3.2	Name and location of the project	Management and Operations of Transportation Services for the City of Pembroke Pines	
2.3.3	Nature of the firm's responsibility on the project	Richard A Passero	
2.3.4	Project duration	Began in June 2002 thru present	
2.3.5	Completion (Anticipated) Date	June 30, 2024	
2.3.6	Size of project	Manage a fleet of 81 vehicles and 90 employees	
2.3.7	Cost of project	NA	
2.3.8	Work for which staff was responsible	Management and Operations of School Bus, CBS and Senior Transportation Services	
Reference #2: Reference Contact Information			
2.4.1	Name of Firm, City, County or Agency	City of Pembroke Pines Charter High School School	
2.4.2	Address	17189 Sheridan St Pembroke Pines FL 33331	
2.4.3	Contact Name	Peter Bayer	
2.4.4	Contact Title	Principal	
2.4.5	Contact E-mail Address	Pbayer@pinescharer.net	
2.4.6	Contact Telephone #	954-538-3700	
Reference #2: Project Information			
2.5.1	Name of Contractor Performing the work	NA	
2.5.2	Name and location of the project	NA	Please note the only project the TA has been associated with is providing transportation service to the City of Pembroke Pines Charter Schools, Community Bus System and Senior Transportation Program.
2.5.3	Nature of the firm's responsibility on the project	NA	
2.5.4	Project duration	NA	
2.5.5	Completion (Anticipated) Date	NA	
2.5.6	Size of project	NA	
2.5.7	Cost of project	NS	
2.5.8	Work for which staff was responsible	NA	
Reference #3: Reference Contact Information			
2.6.1	Name of Firm, City, County or Agency	City of Pembroke Pines Charter Middle School	
2.6.2	Address	12350 Sheridan St Pembroke Pines FL 33026	
2.6.3	Contact Name	Sean Chance	
2.6.4	Contact Title	Principal	

2.6.5	Contact E-mail Address	Schance@pinescharter.net	
2.6.6	Contact Telephone #	954-322-3300	
Reference #3: Project Information			
2.7.1	Name of Contractor Performing the work	N/A	
2.7.2	Name and location of the project	N/A	
2.7.3	Nature of the firm's responsibility on the project	N/A	
2.7.4	Project duration	N/A	
2.7.5	Completion (Anticipated) Date	N/A	
2.7.6	Size of project	N/A	
2.7.7	Cost of project	N/A	
2.7.8	Work for which staff was responsible	N/A	
Reference #4: Reference Contact Information			
2.8.1	Name of Firm, City, County or Agency	N/A	
2.8.2	Address	N/A	
2.8.3	Contact Name	N/A	
2.8.4	Contact Title	N/A	
2.8.5	Contact E-mail Address	N/A	
2.8.6	Contact Telephone #	N/A	
Reference #4: Project Information			
2.9.1	Name of Contractor Performing the work	N/A	
2.9.2	Name and location of the project	N/A	
2.9.3	Nature of the firm's responsibility on the project	N/A	
2.9.4	Project duration	N/A	
2.9.5	Completion (Anticipated) Date	N/A	
2.9.6	Size of project	N/A	
2.9.7	Cost of project	N/A	
2.9.8	Work for which staff was responsible	N/A	
Reference #5: Reference Contact Information			
2.10.1	Name of Firm, City, County or Agency	N/A	
2.10.2	Address	N/A	
2.10.3	Contact Name	N/A	
2.10.4	Contact Title	N/A	
2.10.5	Contact E-mail Address	N/A	
2.10.6	Contact Telephone #	N/A	
Reference #5: Project Information			
2.11.1	Name of Contractor Performing the work	N/A	

2.11.2	Name and location of the project	N/A	Exhibit C
2.11.3	Nature of the firm's responsibility on the project	N/A	
2.11.4	Project duration	N/A	
2.11.5	Completion (Anticipated) Date	N/A	
2.11.6	Size of project	N/A	
2.11.7	Cost of project	N/A	
2.11.8	Work for which staff was responsible	N/A	
79 Questions		100.00% Complete	



receive free door-to-door, driver-assisted service. Each one-way trip counts as a unit of service under the provisions of the Grant.

The Program provides transportation to Hollybrook Clubhouse, Douglas Gardens, Memorial Urgent Care Center, Memorial Hospital West, various grocery stores and restaurants, Lowes, Wal-Mart, Broward County Regional Library South Campus, Broward College, Pembroke Lakes Mall, HollyLakes, Century Village, etc.

Senior Transportation Program Statistical Summary	
Senior Transportation Program	Nutrition, Medical, Grocery, Banking, Personal, Field Trips
Avg. Yearly Ridership (1-Way Passenger Trips)	21,690 for the period of 07/01/2022-06/30/2023
Reporting Requirements	LSP Units Report (Total number of 1-way Passenger Trips Reported Monthly)
Contractual Service Area	Miramar Parkway South, Turnpike East, Griffin North, US 27 West

Contractor shall utilize the City owned buses, at no cost to the Contractor.

In addition, the Contractor may provide services for trips requested by City Departments for activities such as Transportation request for Town Hall meetings, Special Events, Recreation Department’s Summer Camps, etc., provided such use is approved by City Administration ahead of time. The costs for these services will be allocated to the Department which receives the services, and the corresponding revenue will be allocated to the City of Pembroke Pines Community Services Department.

The Contractor will only be allowed to use the City owned buses for uses approved by the City. The City **may** allow the Contractor to utilize the City buses for private rentals to external entities, provided such use is approved by City Administration ahead of time. All revenues from these activities will be collected by the City of Pembroke Pines and allocated to the City of Pembroke Pines Community Services Department. The Contractor will be responsible for coordinating services with these external entities.

1.4 CONTRACT REQUIREMENTS

The service contract resulting from this RFP will require the contractor to be solely responsible for providing sufficient personnel, training, and labor necessary to provide a high quality service which shall include, but not be limited to, all transportation, scheduling, dispatching, vehicle servicing, vehicle maintenance, reporting, and monitoring of the Charter School Transportation, Community Bus Service, and Senior Transportation Programs.

1.4.1 COMPENSATION



The City shall reimburse the Contractor for the “Cost of Work.” The term “Cost of the Work” shall mean cost necessarily incurred by Contractor in the performance of their duties. The following list generally defines, but does not limit, the costs to be reimbursed under the awarded contract:

1. Wages of workers directly employed by Contractor to perform the work.
2. Wages or salaries of Contractor’s supervisory and administrative personnel providing for the operation and management for the City's transportation services.
3. Costs paid by Contractor for taxes, insurance, contributions for benefits or other taxes required by law. The City shall pre-approve employee benefit plans.
4. Payment made by Contractor to Vendors in accordance with the requirements of the services provided.
5. Costs, including transportation and storage, of materials and equipment incorporated or to be incorporated in the work.
6. Insurance and bond premiums that can be directly attributed to this contract.
7. Sales, use or similar taxes imposed by a governmental authority that are related to the work.
8. Fees and assessments for permits, licenses and inspections for which Contractor is required to pay.
9. Information and technology costs related to the work and support of the same.
10. Legal, mediation and arbitration costs, including attorney's fees other than those arising from disputes between the City and Contractor reasonably incurred by Contractor in the performance of the work and with the City Administration's prior written approval; which approval shall not be unreasonably withheld; provided that no such costs may be included to the extent they are incurred as a result of the acts or omissions of Contractor.
11. Other costs incurred in the performance of the work if and to the extent approved in advance in writing by the City Administration.
12. Costs due to emergencies incurred in taking action to prevent threatened damage, injury or loss in case of an emergency affecting the safety of persons and property.
13. Costs of repairing or correcting damaged or nonconforming work executed by Contractor’s suppliers, provided that such damaged or nonconforming work was not caused by negligence or failure to fulfill a specific responsibility and only to the extent that the cost of repair or correction is not recoverable by Contractor from insurance sureties, or suppliers.
14. Miscellaneous expenses such as supplies, uniforms, costs of drug screening, drug tests, fingerprinting, background searches and trainings.
15. All other costs approved by the City Administration.

1.4.1(A) Minimum Wage

On November 3, 2020, Florida voters approved Florida Amendment 2, which amended Florida’s constitution to gradually increase the state’s minimum wage from \$8.56 an hour to \$15 an hour by the year 2026, according to the following schedule:

1 REQUESTED CONTRACT EXCEPTIONS

ProKel Mobility respectfully requests the following exceptions to the terms and conditions of this contract:

The City of Pembroke Pines has issued RFP AD-23-02- Operation and Management of Transportation Services. As part of the submission, the city has provided attachment K- Pricing Submission Sheet- Labor Rates.

It is common industry practice for Request for Proposals for transportation services to request that proposers shall be responsible for considering in their proposed rates any future local, state, or federal minimum wage increases and complying with all local, state, and federal wage, labor, and employment laws. Proposer shall submit all labor trades and rates, material costs, equipment costs, overhead costs, travel costs, the costs of any subcontracts, and profit costs, etc. necessary to complete this contract.

In addition, Proposers need to include training cost, including cost per training course and the cost of re-running each course following its initial execution.

ProKel Mobility understands that the current Operation and Management of Transportation Services is a passthrough model, but your pricing submission sheet does not account for any of the above-mentioned costs. One aspect that is concerning is the current pricing provided by the city does not even include; wage taxes, fringe benefits and workers compensation cost usually associated with labor cost. We don't understand how those line items could be counted as passthrough.

ProKel Mobility has complied with the RFP and submitted "Attachment K" as required, but with the understanding that we have identified additional costs not included in the pricing submission form.

ProKel Mobility assumes that Insurance, fuel, maintenance cost, facility, expenses including; technology, postage and printing, bus wash, background checks, drug testing etc. are passthrough.

ProKel Mobility would like the opportunity to discuss the pricing format and additional cost not reflected in "Attachment K".



- C. The Evaluation Committee shall have the option to short-list the proposers based on the criteria listed above. In addition, the Evaluation Committee may schedule a meeting for the firms to make presentations and answer questions of clarification as part of its evaluation. As part of this process, the firms shall have officials of the appropriate management level present and representing the firm. The project manager should be available. The firm shall be prepared to present an overall briefing regarding the manner in which the contractual obligations will be accomplished. Please note that this does not limit the Evaluation Committee from utilizing other options that maybe available to the Committee.
- D. The Evaluation Committee will make a recommendation to the City Commission for award of contract. The contract shall be awarded to the most responsive/responsible proposer(s) whose proposal is determined to be the most advantageous to the City taking into consideration the evaluation criteria.

1.7.1 SCORING FOR PROJECT COST CRITERIA

The Evaluation Committee will utilize the following when calculating the weighted score of each vendor related to the **Project Cost** criteria.

The Lowest Project Cost Proposal will be divided by Proposer “X” Cost Proposal times the Maximum Available Points for the Pricing Criteria = Proposer “X” Cost Score.

Example:

Firm “A” cost proposal is \$10,000 and is the lowest cost proposal

Firm “B” cost proposal is \$15,000

Firm “C” cost proposal is \$20,000

Maximum Points Available for the “Project Cost” criteria: 25

Calculation:

Firm “A”: Lowest price and receives 25 points

Firm “B”: $\$10,000/\$15,000 \times 25$ points = 16.67 points

Firm “C”: $\$10,000/\$20,000 \times 25$ points = 12.50 points

1.8 TENTATIVE SCHEDULE OF EVENTS

Event	Time &/or Date
Issuance of Solicitation (Posting Date)	December 13, 2023
Non-Mandatory Pre-Bid Meeting	9:00 a.m. on January 4, 2024
Question Due Date	January 9, 2024
Anticipated Date of Issuance for the Addenda with Questions and Answers	January 15, 2024

Conflict of Interest Preview

[Hide](#)

I understand that I am serving on an evaluation committee for the above solicitation and to the best of my ability will be fair and impartial in my evaluation and decision. By signing this Declaration I certify that:

1) I will/have read each proposal thoroughly and independently and have evaluated each on its own merits with no assistance from anyone. I will hold proposal information, evaluation discussion, and negotiations confidential and proprietary until released to the public. I will not discuss the content of proposals except as authorized by the procurement official.

2) Neither I, nor any members of my immediate family holds a position with a proposer such as an officer, director, trustee, partner, or the like, and is not employed in any capacity by any proposer. I have no business affiliation either by ownership or obligation to any of the proposing firms.

3) Neither I, nor my partner nor any member of my immediate family has a financial interest arising from the procurement transaction.

4) I have not been lobbied either written or orally by any of the proposers or members of their team. For purposes of clarification, a team's representatives shall include, but not be limited to, the team's employee, partner, officer, director, consultant, lobbyist, or any actual or potential subcontractor or consultant of the team. This includes letters, phone calls, e-mails or any conversation regarding this solicitation. The "No Lobbying Condition" is in effect from the date of publication of the solicitation and shall terminate once the contract is signed.


5) I have not and will not accept gifts, directly or indirectly, from any proposer.

I confirm the above declarations are true and correct to the best of my knowledge.

Declarations

Hide

 **Jonathan Bonilla**

 **Conflict of Interest**

from anyone. I will hold proposal information, evaluation discussion, and negotiations confidential and proprietary and not released to the public. I will not discuss the content of proposals except as authorized by the procurement official.

2) Neither I, nor any members of my immediate family holds a position with a proposer such as an officer, director, trustee, partner, or the like, and is not employed in any capacity by any proposer. I have no business affiliation either by ownership or obligation to any of the proposing firms.

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5) I have not and will not accept gifts, directly or indirectly, from any proposer.

I confirm the above declarations are true and correct to the best of my knowledge.

Vendor

Do you have a Conflict of Interest?

Transportation Authority LLC

No

ProKel Mobility


No

Jonathan Bonilla has signed this form on Feb 29, 2024 2:04 PM EST

Declarations

Hide

 Daniel Rotstein

 Conflict of Interest

from anyone. I will not release proposal information, evaluation discussion, and negotiations confidential and proprietary information released to the public. I will not discuss the content of proposals except as authorized by the procurement official.

2) Neither I, nor any members of my immediate family holds a position with a proposer such as an officer, director, trustee, partner, or the like, and is not employed in any capacity by any proposer. I have no business affiliation either by ownership or obligation to any of the proposing firms.

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5) I have not and will not accept gifts, directly or indirectly, from any proposer.

I confirm the above declarations are true and correct to the best of my knowledge.

Vendor	Do you have a Conflict of Interest?
Transportation Authority LLC	No
ProKel Mobility	No

Daniel Rotstein has signed this form on Mar 11, 2024 2:11 PM EDT

Declarations

Hide

 sean chance

Conflict of Interest

from anyone. I will hold proposal information, evaluation discussion, and negotiations confidential and proprietary until released to the public. I will not discuss the content of proposals except as authorized by the procurement official.

2) Neither I, nor any members of my immediate family holds a position with a proposer such as an officer, director, trustee, partner, or the like, and is not employed in any capacity by any proposer. I have no business affiliation either by ownership or obligation to any of the proposing firms.

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5) I have not and will not accept gifts, directly or indirectly, from any proposer.

I confirm the above declarations are true and correct to the best of my knowledge.

Vendor	Do you have a Conflict of Interest?
Transportation Authority LLC	No
ProKel Mobility	No

sean chance has signed this form on Mar 19, 2024 10:13 AM EDT

Declarations

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 **Silvia Aguilar**

 **Conflict of Interest**

from anyone. I will hold proposal information, evaluation discussion, and negotiations confidential and proprietary and not released to the public. I will not discuss the content of proposals except as authorized by the procurement official.

2) Neither I, nor any members of my immediate family holds a position with a proposer such as an officer, director, trustee, partner, or the like, and is not employed in any capacity by any proposer. I have no business affiliation either by ownership or obligation to any of the proposing firms.

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5) I have not and will not accept gifts, directly or indirectly, from any proposer.

I confirm the above declarations are true and correct to the best of my knowledge.

Vendor	Do you have a Conflict of Interest?
Transportation Authority LLC	No
ProKel Mobility	No

Silvia Aguilar has signed this form on Mar 08, 2024 8:08 AM EST

Declarations

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 Peter Bayer

✔ Conflict of Interest

from anyone. I will not disclose proposal information, evaluation discussion, and negotiations confidential and proprietary information released to the public. I will not discuss the content of proposals except as authorized by the procurement official.

2) Neither I, nor any members of my immediate family holds a position with a proposer such as an officer, director, trustee, partner, or the like, and is not employed in any capacity by any proposer. I have no business affiliation either by ownership or obligation to any of the proposing firms.

3) Neither I, nor my partner nor any member of my immediate family has a financial interest arising from the procurement transaction.

4) I have not been lobbied either written or orally by any of the proposers or members of their team. For purposes of clarification, a team's representatives shall include, but not be limited to, the team's employee, partner, officer, director, consultant, lobbyist, or any actual or potential subcontractor or consultant of the team. This includes letters, phone calls, e-mails or any conversation regarding this solicitation. The "No Lobbying Condition" is in effect from the date of publication of the solicitation and shall terminate once the contract is signed.

5) I have not and will not accept gifts, directly or indirectly, from any proposer.

I confirm the above declarations are true and correct to the best of my knowledge.

Vendor	Do you have a Conflict of Interest?
Transportation Authority LLC	No
ProKel Mobility	No

Peter Bayer has signed this form on Jan 23, 2024 2:50 PM EST