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May 15, 2023

Vendor: Dandelion Fields LLC
PO Box 12
Cassville, MO 65625
(417) 599-0504

Point of Contact: Angelia Walker
(417) 599-0504

Re: Branson West License Office, Protest of Award for RFPSDOR230050

Dear Ms. Walker:

The Department of Revenue ("Department") received your protest letter dated April 27, 2023, on behalf of Dandelion Fields LLC ("DF"), challenging the above-referenced award to License Office Services LLC ("LOS"). The Department has reviewed your protest pursuant to the authority granted by the Special Delegation of Authority ("SDA537"), executed with the Office of Administration, Division of Purchasing (the "Division"), on December 1, 2021, as well as 1 CSR 40-1.050(12), and considered the information and arguments presented therein. After having done so, the Department denies DF's protest. Pursuant to SDA537 and 1 CSR 40-1.050(12), the Department will take no further action.

Findings of Fact

- 1) On March 22, 2023 in accordance with SDA537, the Department of Revenue ("the Department") issued RFPSDOR230050 for the Branson West License Office ("BWLO RFP"), a request for proposal ("RFP") to provide license office services in and around West Branson, Missouri;
- 2) On April 4, 2023 the BWLO RFP closed;
- 3) DF and LOS submitted proposals for the BWLO RFP;
- 4) On April 27, 2023, after evaluation, the BWLO RFP was awarded to LOS with a total score of 173 points, and DF came in second with a total score of 153 points;

5) On April 27, 2023, DF filed a timely protest alleging the following:

Point I: LOS does not have an ADA-compliant Restroom as stated in its proposal (Section B-1: Public Restroom).

Point II: LOS had missing inventory charges (Section B-6B: Inventory Control Experience).

Point III: LOS obstructed DF's ability to retain Abbi Culver as the Contract License Office Manager.

Point IV: LOS's BWLO RFP Submission was incomplete.

Analysis

Point I: LOS does not have an ADA-compliant Restroom as stated in its proposal (Section B-1: Public Restroom).

DF first alleges LOS should not have received ten (10) points for their selection in "Section B-1: Public Restroom" in LOS's proposal. Specifically, DF alleges LOS proposed in "Section B-1: Public Restroom" of their RFP submission they would provide an "ADA-compliant restroom located within the license office that will be available to the public upon request, cleaned on a daily basis, and functioning with little to no closure during regular business hours", however the location at which LOS currently operates the Branson West License Office ("BWLO") does not provide an ADA-compliant restroom, therefore LOS should not have received the corresponding ten (10) points for their proposal in "Section B-1: Public Restroom. DF further states DF's proposal provided for an ADA-compliant restroom.

First, regarding DF's allegation against LOS on the matter:

Section 2.2.2(a) of the RFP states:

"Contract Compliance – The contractor shall be in compliance with all contract requirements and commitments identified in the contractor's awarded proposal no later than thirty (30) business days after the state agency's authorization to proceed with services or opening date of the office as specified by the state agency, whichever is later. The contractor shall assign a contract compliance representative with authority to act on behalf of the contractor in all matters related to the management of the contract."

LOS has thirty (30) days from the "authorization to proceed with services or opening date of the office..." to become compliant with their submitted proposal. The status of the restroom at the current BWLO operated by LOS is immaterial.

Second, regarding DF's statement about proposing an ADA-compliant restroom: DF indicated on "Section B-1 – Public Restroom" of DF's proposal that DF would provide, "Access to an ADA-compliant restroom located within the facility, such as an office building or strip mall, that is not the responsibility of the License Office and is no more than 500 feet from door to door." This selection was worth five (5) points and DF received five (5) points accordingly.

Point I of DF's protest is denied.

Point II: LOS had missing inventory charges (Section B-6B: Inventory Control Experience).

DF next alleges LOS has had past charges for missing inventory while DF have not had any such charges and this "may change the outcome of the award".

"Section B-6B: Inventory Control Experience" asks, "Has the Vendor's License Office(s) been assessed charges for missing inventory during the last two (2) years?" LOS indicated, "Yes – The total amount was equal to or greater than one-hundred seventy-five (175) dollars", and received zero (0) points for the section accordingly. On the same section, DF indicated, "No – The License Office(s) has not been assessed any inventory charges in the last two (2) years", and received eight (8) points for the section accordingly. Therefore, this section was already scored correctly as DF contends it should have been.

Point II of DF's protest is denied.

Point III: LOS obstructed DF's ability to retain Abbi Culver as the Contract License Office Manager.

In DF's third point of protest, DF complains about LOS allegedly interfering with the "employment agreement" between DF and Abbi Culver. This is a private dispute in which the Department has no interest or involvement.

Point III of DF's protest is denied.

Point IV: LOS's BWLO RFP Submission was incomplete.

For DF's fourth and final point of protest, DF alleges LOS's submitted proposal for the BWLO RFP was incomplete and this should be taken into consideration. Specifically, DF alleges LOS failed to complete the entirety of page sixty (60) of their submitted proposal.

After further verification by the Department, it appears LOS did complete the entirety of page sixty (60) and all other required sections, although page sixty (60) was not publicly posted at time of award. The entirety of page sixty (60) of LOS's proposal has now been posted publicly.

Point IV of DF's protest is denied.

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Conclusion

For the reasons set forth above, the Department finds that Dandelion Fields LLC's protest fails to establish a basis for cancellation of the Division's award of RFPSDOR230050 to License Office Services LLC. Therefore, Dandelion Fields LLC's protest is denied. Pursuant to 1 CSR 40-1.050(12), the Department will take no further action on Dandelion Fields LLC's protest.

Sincerely,

A handwritten signature in black ink that reads "Ken Struempfler". The signature is written in a cursive, slightly slanted style.

Ken Struempfler, Director
Motor Vehicle and Driver Licensing Division