

Division of Motor Vehicle and Driver License  
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Jefferson City, Missouri 65105-0629

MISSOURI DEPARTMENT OF  
**REVENUE**  
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March 22, 2023

Vendor: BCFO Titleworks, Inc.  
620 W. Republic Road  
Springfield, MO 65807  
(417) 862-3838

Point of Contact: Joe Daues  
(417) 862-3838

Attorney: Lowell D. Pearson  
235 East High Street  
Jefferson City, Missouri 65101  
(573) 761-1115

Re: Glenstone License Office, Protest of Award for RFPDOR220037

Dear Mr. Pearson:

The Department of Revenue ("Department") received your protest letter dated March 6, 2023, on behalf of BCFO Titleworks, Inc. ("BCFO"), challenging the above-referenced award to CGB Holdings, LLC ("CGB"). 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 BCFO's protest. Pursuant to SDA537 and 1 CSR 40-1.050(12), the Department will take no further action.

**Findings of Fact**

- 1) On December 8, 2022, in accordance with SDA537, the Department of Revenue ("DOR") issued RFPDOR220037 (the "GLO RFP"), a request for proposal ("RFP") to provide license office services in and around Glenstone Ave Springfield, Missouri;
- 2) On December 21, 2022, the GLO RFP closed;
- 3) Among others, BCFO and CGB submitted proposals for the GLO RFP;
- 4) In BCFO's proposal, Amber Carnahan was proposed as BCFO's Contract License Office Manager. In evaluating Ms. Carnahan's experience with Transaction Processing, BCFO represented that Ms. Carnahan had, "More than 10 years of experience." However, Department records indicate Ms. Carnahan only had a total of nine (9) years, zero (0) months, and ten (10) days of, "experience performing motor vehicle and driver license transaction processing."

- 5) On February 20, 2023, after evaluation, the GLO RFP was awarded to CGB with a total score of 167.5 points, LO Management LLC came in second with a total score of 159 points, and BCFO scored third with a total score of 155.75 points;
- 6) On March 6, 2023, BCFO, through counsel Lowell Pearson of Husch Blackwell LLP, filed a timely protest alleging the following:

Point I: Favoritism.

Point II: Improper Evaluation of the BCFO's Contract License Office Manager's Transaction Processing Experience in Exhibit A, Section B-6D, paragraph 1.

Point III: BCFO Semiannual Inventory Review

Point IV: General qualms with the history of the RFP process.

### Analysis

#### **Point I: Favoritism.**

BCFO first alleges "favoritism" in the RFP process claiming that the Department "initially attempted to prevent BCFO from even bidding" and "that someone was putting a thumb on the scale." The objection was that on a previous RFP, BCFO discovered there was no option to correctly input their business entity type and ownership structure, and alleged this was done intentionally to prevent BCFO from being able to submit a proposal. BCFO admits that "the RFP was revised" and the concern corrected. BCFO provides no evidence or even a reasonable factual or legal theory to support that an alleged error in a prior RFP was indicative of favoritism.

The contents of a withdrawn RFP have no effect on the evaluation of the GLO RFP or the awarding of a contract under the GLO RFP. Therefore, BCFO's first point of protest is denied.

#### **Point II: Improper Evaluation of the BCFO's Contract License Office Manager's Transaction Processing Experience in Exhibit A, Section B-6D, paragraph 1.**

BCFO next alleges Amber Carnahan's transaction processing experience in regards to "Exhibit A Section B-6D.1: Experience – Contract License Office Manager's – Transaction Processing" was improperly "not verified" for having, "More than 10 years of experience" performing motor vehicle and driver license transaction processing, resulting in BCFO receiving one and one half (1.5) points for this section, instead of two (2) points.

In its proposal, BCFO claimed that their proposed Contract License Office Manager, Amber Carnahan, had "More than 10 years of experience" performing motor vehicle and driver license transaction processing. Upon verification, Department records indicated Ms. Carnahan's experience as follows (Title, Location, Start – End Date in Position):

- Clerk, South Springfield License Office, January 1, 2008 – April 17, 2008
- Clerk (as needed), Glenstone License Office, September 22, 2014 – November 9, 2021
- Clerk (as needed), Nixa License Office, September 22, 2014 – July 1, 2015
- Clerk (as needed), Ozark License Office, September 22, 2014 – November 29, 2017
- Clerk, Republic License Office, April 28, 2016 – July 20, 2017
- Assistant Manager, Nixa License Office, July 1, 2015 – February 4, 2016
- Office Manager, Nixa License Office, February 2016 – July 20, 2017
- Office Manager, Republic License Office, July 21, 2017 – July 2, 2019
- Contract Manager, Republic License Office, July 3, 2019 – December 31, 2019
- Contract Manager, Ozark License Office, July 8, 2019 – May 10, 2022

- Contract Manager, Glenstone License Office, November 9, 2021 – December 21, 2022
- Officer, Nixa License Office, June 13, 2022 – Present (December 21, 2022)
- Officer-Office Contact #1, Ozark License Office, May 11, 2022 – Present (December 21, 2022)

BCFO represents in their protest that Ms. Carnahan, “has a combined 12 years experience performing motor vehicle and driver license transaction processing” beginning in 2005. Upon verification, the Department’s earliest record indicating Ms. Carnahan as working in a position that would provide such experience begins on January 1, 2008 – there are no records verifying Ms. Carnahan’s experience prior to 2008.

As such, based on verifiable records, Ms. Carnahan’s total experience performing motor vehicle and driver license transaction processing amounts to nine (9) years, zero (0) months, and ten (10) days, short of the 10-year threshold indicated on BCFO’s proposal. Furthermore, even if the “12 years experience” represented in the protest was accepted, BCFO’s total score would only increase by one half point, resulting in a total score of 156.25 points, which by itself would be insufficient to move ahead of the current runner-up – still finishing in third place. No other part of BCFO’s protest, if granted, would award it additional points. Consequently, Point II of BCFO’s protest is denied.

### **Point III: BCFO Semiannual Inventory Review**

In its third point, BCFO simply makes some factual representations regarding its inventory problems in 2021 under then office manager Tyleesha Cypret, but makes no “detailed statement describing the grounds for the protest” on this point, thus leaving DOR to speculate over the significance of those facts. The relevant provisions of Rule 1 CSR 40-1.050(12), regarding the content requirements for protests, states:

The written protest should include the following information:

...

(D) Detailed statement describing the grounds for the protest; and

(E) Supporting exhibits, evidence, or documents to substantiate claim.

A protest which fails to contain the information listed above may be denied solely on that basis. . . . The director or designee will only issue a determination on the issues asserted in the protest...

Therefore, Point III of BCFO’s protest is denied for its failure to identify the grounds for the protest on this point.

### **Point IV: General qualms with the history of the RFP process.**

BCFO raises objections to the history of the RFP process, generally, including four sites currently run by BCFO. As part of this point, BCFO alleges there are “anecdotal references” and that it “feared” that someone within the Missouri Association of License Offices (“MALO”) “had influenced the RFP.” Specifically, BCFO alleges that MALO’s treasurer, Crystal Webster, owner of CGB Holdings, LLC, “inserted language into the RFP that favored CGB Holdings and worked against BCFO Titleworks Inc.” The complaints regarding prior requests for proposals are unrelated to the current GLO RFP. Under § 32.042, RSMo, the contract is to be “let to the lowest and best

offeror as determined by the evaluation criteria established in the request for proposal." In addition, Paragraph 4.2.8.c. of the GLO RFP states:

The vendor's proposal, as submitted in response to the subject RFP, will be considered separate and distinct from any other proposal the vendor may have submitted in response to another RFP, including proposals of an existing license office contract or in response to another RFP currently in evaluation. Therefore, the vendor should not rely on or refer to information included in a proposal submitted by the vendor in response to another RFP.

Under 1 CSR 40-1.050(10)(G), "In addition to cost, subjective and any other criteria deemed in the best interest of the state may be utilized in the evaluation of bids/proposals provided that the criteria are published in the solicitation document." Similarly, 1 CSR 40-1.050(16) provides that "[f]or solicitations using weighted criteria evaluations, the evaluation criteria and point assessment assigned to each criterion, as well as the award process, will be specified in the solicitation documents."

As for the allegations against MALO and Crystal Webster, the Department denies that there was any such improper influence. In addition, BCFO does not identify the specific provisions that they believe were altered which prejudiced BCFO. As such, the Department cannot evaluate the vague allegations that unidentified changes or insertions worked against BCFO.

Given the requirements that all information be included in the solicitation documents, BCFO's complaints regarding the history of the proposal process for the GLO are irrelevant to the evaluation of the current GLO RFP. In addition, the allegations against MALO are not supported with a detailed statement or supported by exhibits, evidence, or documents to substantiate the claim as required by 1 CSR 40-1.050(12). Therefore, Point IV of the protest is denied.

#### Conclusion

For the reasons set forth above, the Department finds that BCFO Titleworks, Inc.'s protest fails to establish a basis for cancellation of the Division's award of RFPDOR220037 to CGB Holdings, LLC. Therefore, BCFO Titleworks, Inc.'s protest is denied. Pursuant to 1 CSR 40-1.050(12), the Department will take no further action on BCFO's protest.

Sincerely,



Kenneth Struempfl, Director  
Motor Vehicle and Driver License Division