

June 2, 2023

Vendor: Aurora Area Chamber of Commerce
121 E. Olive
Aurora, MO 65605
(417) 678-4150

Point of Contact: Shannon Walker
121 E. Olive
Aurora, MO 65605
(417) 678-4150

Attorney: James A. Pettit
200 S. Elliot PO Box 148
Aurora, MO 65605
(417) 678-2187

Re: Aurora License Office, Protest of Award for RFPSDOR230062

Dear Mr. Pettit:

The Department of Revenue ("Department") received your protest letter dated May 15, 2023, on behalf of Aurora Area Chamber of Commerce, challenging the above-referenced award to Dandelion Fields LLC. 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 Aurora Area Chamber of Commerce's protest. Pursuant to SDA537 and 1 CSR 40-1.050(12), the Department will take no further action.

Findings of Fact

- 1) On April 5, 2023, in accordance with SDA537, the Department issued RFPSDOR230062 for the Aurora License Office ("AURLO RFP"), a request for proposal ("RFP") to provide license office services in and around Aurora, Missouri;
- 2) On April 18, 2023 the AURLO RFP closed;
- 3) Aurora Area Chamber of Commerce ("AACOC") and Dandelion Fields LLC ("DF") submitted proposals for the AURLO RFP;
- 4) On May 4, 2023, after evaluation, the AURLO RFP was awarded to DF with a total score of 160.00 points, and AACOC came in second with a total score of 116.67 points;

- 5) On May 15, 2023, AACOC through counsel James A. Pettit of Pettit Law Office, filed a timely protest alleging the following:

Point I: Unfair Assessment of Exhibit A Section B-6B Inventory Control Experience.

Analysis

Point I: Unfair Assessment of Exhibit A Section B-6B Inventory Control Experience.

AACOC alleges the Department's assessment of Exhibit A Section B-6B Inventory Control Experience is unfair because:

"Dandelion Fields business has never owned the Aurora Licenses office contract and therefore the lack of inventory control on this contract serves only as a detriment to the Protestor and gives no opportunity for Dandelion Fields business to have a past inventory control charge." [sic]

Exhibit A 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?" AACOC indicated AACOC had been assessed charges for missing inventory greater than \$175.00 during the last two (2) years and consequently received zero (0) points for their response on the section. DF indicated DF had not been assessed charges for missing inventory during the last two (2) years and consequently received eight (8) points for their response on the section. Upon Department verification, both Vendors' responses and corresponding points awarded were confirmed. AACOC incorrectly interprets Exhibit A Section B-6B Inventory Control Experience as only applying toward operation of the license office on which the current RFP seeks proposals. AACOC argues DF should not have received eight (8) points on this section because they did not previously operate the Aurora License Office. AACOC further alleges that by their interpretation, those entities which currently hold the contract for which an RFP has been issued are at a detriment compared to new entities submitting proposals, as the new entities would not have had an opportunity to receive a past charge for missing inventory.

Exhibit A Section B-6B Inventory Control Experience actually asks the Vendor generally whether charges have been assessed against them for missing inventory in *any/all* license offices the Vendor has operated over the last two (2) years, not just the office for which the RFP has been published. So, although it is true DF has never operated the Aurora License Office, upon verification, Department records indicate that DF has operated the Elsberry License Office since September 29, 2022. As of April 18, 2023, the closing date for the AURLO RFP, DF has not been assessed any charges for missing inventory.

Point I of AACOC's protest is denied.

Conclusion

For the reasons set forth above, the Department finds that Aurora Area Chamber of Commerce's protest fails to establish a basis for cancellation of the Division's award of RFPSDOR230062 to Dandelion Fields LLC. Therefore, Aurora Area Chamber of Commerce's protest is denied. Pursuant to 1 CSR 40-1.050(12), the Department will take no further action on Aurora Area Chamber of Commerce's protest.

Sincerely,

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

Ken Struempf, Director
Motor Vehicle and Driver License Division