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June 26, 2023

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Point of Contact: David Koester
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Re: Protest of Contract Award for Operation of Troy License Office, RFPSDOR230042

Dear Mr. Koester:

The Department of Revenue ("Department") received your protest letter dated April 7, 2023, on behalf of LO Management LLC ("LO") challenging the above-referenced award to P&H Holdings LC ("P&H"). 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 LO's protest. Pursuant to SDA537 and 1 CSR 40-1.050(12), the Department will take no further action.

Findings of Fact

- 1) On January 11, 2023, in accordance with SDA537, the Department issued RFPSDOR230042 for the Troy License Office ("TLO RFP"), a request for proposal ("RFP") to provide license office services in and around Troy, Missouri;
- 2) On January 25, 2023 the TLO RFP closed;
- 3) LO and P&H, among others, submitted proposals for the TLO RFP;

- 4) In LO's proposal, Kayla Perry was proposed as LO's Contract License Office Manager. LO subsequently indicated: "The Contract License Office Manager: Has worked directly in a license office in a management role responsible for stocking, monitoring, and ordering inventory for the license office for at least five (5) out of the previous ten (10) years." However, after verifying Kayla Perry's Inventory Experience, it was discovered Kayla Perry only had 4 years, 3 months, 10 days of total experience in a role responsible for stocking, monitoring, and ordering inventory for the license office.
- 5) On March 29, 2023, after evaluation, the TLO RFP was awarded to P&H Management with a total score of 160.85 points, and LO came in second with a total score of 158.50 points;
- 6) On April 7, 2023, LO through counsel Stephanie S. Bell of Ellinger Bell filed a timely protest alleging the following:

Point I: Improper Evaluation of LO Management's B-6B(3)- Inventory Experience

Analysis

Point I: Improper Evaluation of LO Management's B-6B(3)- Inventory Experience

LO alleges Kayla Perry's management experience in regards to "Section B-6B3 Inventory Experience" was improperly "not verified", resulting in LO receiving zero (0) points for this section instead of four (4) points. In its proposal, LO claimed that "The Contract License Office Manager: Has worked directly in a license office in a management role responsible for stocking, monitoring, and ordering inventory for the license office for at least five (5) out of the previous ten (10) years." This response, if verified, is worth four (4) points.

Specifically, LO claimed the following:

- Supervisor 1/Contract Manager (User ID: DF6153) at the Troy License Office between November 2014 and January 2019.
- Office Manager (User ID: DF8870) at the Des Peres License Office between January 2019 and "Current" (the term "Current" is evaluated as January 25, 2023, the date the TLO RFP closed).
- Operations Manager (No User ID) for "contracts operated by Koester & Koester and Project MS" between November 2014 and Current.

Upon verification, Department records indicate that Kayla Perry was "...in a management role responsible for stocking, monitoring, and ordering inventory for the license office..." for only four (4) years, three (3) months, and ten (10) days out of the previous ten (10) years, therefore LO was awarded zero (0) points, accordingly. Specifically, the Department verified the following regarding Kayla Perry's license office experience:

- Clerk - Full Time (User ID: DF6153) at the Troy License Office (Contract: C314229001) between November 26, 2014, and March 16, 2016 (one (1) year, three (3) months, and nineteen (19) days). This position does not reach the threshold for a management role responsible for stocking, monitoring, and ordering inventory for the license office.
- Clerk - Full Time (User ID: DF6154) at the Bowling Green License Office (Contract: C311094001) between November 26, 2014, and January 13, 2015 (zero (0) years, two (2) months, and eighteen (18) days). This position does not reach the threshold for a management role responsible for stocking, monitoring, and ordering inventory for the license office.
- Clerk - As Needed (User ID: DF6961) at the North Kansas City License Office between August 19, 2015, and November 29, 2017 (two (2) years, three (3) months, and ten (10) days). This position does not reach the threshold for a management role responsible for stocking, monitoring, and ordering inventory for the license office.
- Clerk - As Needed (User ID: DF7326) at the Fulton License Office between March 01, 2016, and November 29, 2017 (one (1) year, nine (9) months, and twenty-eight (28) days). This position does not reach the threshold for a management role responsible for stocking, monitoring, and ordering inventory for the license office.
- Other Supervisory Staff - Full Time (User ID: DF6153) at the Troy License Office between March 16, 2016, and October 16, 2018 (two (2) years, seven (7) months, and zero (0) days). The document designating Kayla Perry as Other Supervisory Staff gave no indication that Kayla Perry had any responsibility over stocking, monitoring, and ordering inventory for the license office in this position. Verification of Department records between March 16, 2016, and October 16, 2018 affirm Kayla Perry had no responsibility over stocking, monitoring, and ordering inventory for the license office. This position does not reach the threshold for a management role responsible for stocking, monitoring, and ordering inventory for the license office.
- Clerk - Full Time (User ID: DF8870) at the Des Peres License Office between July 18, 2017, and September 12, 2019 (two (2) years, one (1) month, and twenty-five (25) days). This position does not reach the threshold for a management role responsible for stocking, monitoring, and ordering inventory for the license office.
- Contract Manager - Full Time (DF6153) at the Troy License Office between October 16, 2018, and October 21, 2019 (one (1) year, zero (0) months, and five (5) days). This position

does reach the threshold for a management role responsible for stocking, monitoring, and ordering inventory for the license office.

- Clerk - As Needed (User ID: DG1758) at the Fulton License Office between February 13, 2019, and June 18, 2019 (zero (0) years, four (4) months, and five (five) days). This position does not reach the threshold for a management role responsible for stocking, monitoring, and ordering inventory for the license office.
- Office Manager at the Des Peres License Office between October 21, 2019 and Current (three (3) years, three (3) months, and four (4) days). This position does reach the threshold for a management role responsible for stocking, monitoring, and ordering inventory for the license office.

Only the positions of Contract Manager and Office Manager would classify as “management roles responsible for stocking, monitoring, and ordering inventory for the license office”, therefore Kayla Perry was credited with four (4) years, three (3) months, ten (10) days of experience in a management role out of the previous ten (10) years – short of the five (5) year threshold necessary to receive four (4) points.

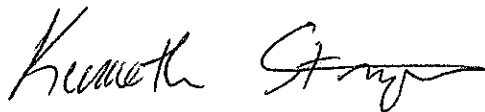
Regarding Kayla Perry’s position of Operations Manager for contracts operated by Koester & Koester and Project MS: upon review of Department records, there is no record of Kayla Perry being named as an Operations Manager, nor is this even a position within a license office as indicated by a lack of User ID.

Point I of LO’s protest is denied.

Conclusion

For the reasons set forth above, the Department finds that LO Management LLC’s protest fails to establish a basis for cancellation of the Division’s award of RFPSDOR230042 to P&H Holdings LC. Therefore, LO Management LLC’s protest is denied. Pursuant to 1 CSR 40-1.050(12), the Department will take no further action on LO Management LLC’s protest.

Sincerely,



Kenneth Struempf

Director

Motor Vehicle and Driver Licensing Division