



**CITY OF FORT LAUDERDALE
PROCUREMENT SERVICE DIVISION
101 N.E. 1 STREET, SUITE 1650
FORT LAUDERDALE, FLORIDA 33301**

January 30, 2025

Via Email
JGoldstein@shutts.com

Joseph M. Goldstein
Shutts & Bowen LLP
201 East Las Olas Blvd.
Suite 2200
Ft. Lauderdale, FL 33301

RE: Response to Protest of the Award- Request For Proposals (RFP) No. 332, Automated School Zone Speed Detection Camera System Filed on 1/21/25

Dear Mr. Goldstein:

The City of Fort Lauderdale ("City") is in receipt of your timely protest on behalf of your client, Blue Line Solutions LLC ("Blue Line ") regarding RFP No. 332, Automated School Zone Speed Detection Camera System.

Blue Line in its written protest omits some important facts from its Executive Summary. On August 21, 2024, Blue Line had already protested the specifications of RFP No. 332, claiming Section 2.45, Service Organization Controls of the RFP, was unduly restrictive, overstated the City's needs, and limited competition as it originally required the following:

"THE CONTRACTOR SHOULD PROVIDE A CURRENT SSAE 18, SOC 2, TYPE I REPORT WITH THEIR PROPOSAL. AWARDED CONTRACTOR WILL BE REQUIRED TO PROVIDE AN SSAE 18, SOC 2, TYPE II REPORT ANNUALLY DURING THE TERM OF THIS CONTRACT. IF THE CONTRACTOR CANNOT PROVIDE THE SSAE 18, SOC 2, TYPE I REPORT AT TIME OF PROPOSAL SUBMITTAL, A CURRENT SOC 3 REPORT WILL BE ACCEPTED."

You further contended the City should delete the SOC 2 Type I or SOC3 Reports as a requirement and allow for the Nlets Audit because it was more appropriate for the services sought in RFP No. 332, Automated School Zone Speed Detection Camera System and substantially similar to the SOC 2 Report (**See Exhibit A**).

I denied Blue Line's protest of the specifications and petition for relief to eliminate the above-mentioned SOC 2 requirement and allow for alternatives, such as the Nlets audit process due to the fact the City's Information Technology Department provided the following response and position (**See Exhibit B**).

"...The City's policy, specifically Policy 2.45 Service Organizational Controls, clearly outlines the requirement for a current SSAE 18 SOC 2 Type I report with proposals. This requirement is in place to ensure that vendors possess the necessary security controls and safeguards to protect sensitive city data.

A SOC 2 report is a rigorous, independent assessment conducted by a qualified third-party auditor. This audit examines a service organization's systems and

controls in relation to security, availability, processing integrity, confidentiality, or privacy. The SOC 2 report provides assurance to the City that the vendor has implemented robust security measures to protect our data and systems.

While we appreciate [Blue Line's] perspective on the Nlets audit, it is important to clarify that it does not meet the rigorous standards and comprehensive scope required by an SOC 2 report. An SOC 2 audit provides a thorough evaluation of an organization's overall systems and controls, encompassing a broad range of security measures. Conversely, an Nlets audit is specifically designed for law enforcement agencies and addresses a more limited set of framework and compliance requirements. Given the critical nature of the data handled by the City of Fort Lauderdale as a whole, we must adhere to the highest security standards to safeguard the information of our residents and personnel.

Furthermore, it is essential to clarify that an SOC 2 Type II report, requires annually audits and reporting is not a one-time event but rather an ongoing process of monitoring and improvement. This continuous assessment ensures that the vendor maintains strong security controls throughout the contract term.

Given the critical nature of the services being procured and the sensitive data involved, the City cannot deviate from the established SOC 2 requirement. We believe this standard is essential to protect the interests of our citizens and ensure the integrity of our operations...."

Despite my denial of Blue Line's protest on August 30, 2024, the Procurement Services Division issued an Addendum No. 3 to the RFP changing the deadline response from August 30, 2024 at 2 p.m. to September 6, 2024 at 2 p.m. as well as the SOC 2 timeframe submission requirement allowing for negotiations to occur with the highest ranked, responsive, and responsible firm contingent upon receipt of a current SSAE, SOC 2, Type I report within 60 days after proposal due date.

Blue Line submitted its RFP response on the same day that Addendum No. 3 was issued on August 30, 2024. As part of its proposal response, "Exhibit 1: The Road to SOC2 Compliance", Blue Line admitted that it would not have the SOC2 Type 1 Report until March 2025 and the SOC2 Type 2 report sometime into the later part of 2025 as shown below. In addition, included below is Blue Line's Exhibit 2, which is an engagement letter from the Johanson Group to execute a SOC 2 Type I and SOC 2 Type II **dated on the same date Blue Line submitted its proposal to the City on August 30th, 2024.**

SOC2 CONTROLS TIMELINE

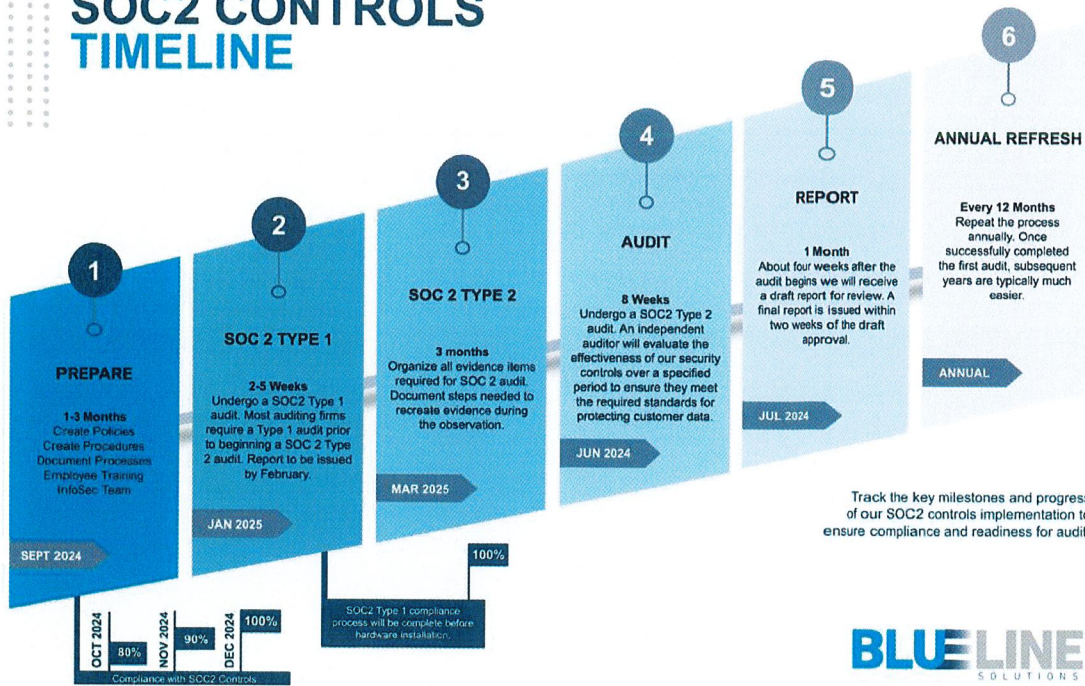
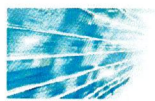


Exhibit 1: The Road to SOC2 Compliance



BLUELINE™

IN RESPONSE TO:
Fort Lauderdale RFP 332
SUBMITTED ON:
8/30/2024



August 30, 2024

Blue Line Solutions, LLC

Dear Blue Line Solutions, LLC,

We are pleased to confirm our understanding of the terms and objectives of our engagement and the nature and limitations of the services we will provide to Blue Line Solutions, LLC.

We confirm that we have been engaged by Blue Line Solutions, LLC to execute a SOC 2 Type I and SOC 2 Type II attestation engagement on the relevant AICPA Trust Services Criteria categories. The expected testing period for the SOC 2 Type I and SOC 2 Type II examination will be determined based upon assessment of readiness.

We will issue a written report upon completion of our examination of management's description and the suitability of the design and operating effectiveness of controls (Type I) to achieve the related control objectives stated in the description (Type II) commonly known as a SOC 2 Type I and SOC 2 Type II report. As the engagement is in process as of the date of this letter, we cannot provide assurance that an unmodified opinion will be expressed until we have completed our required procedures. Circumstances may arise in which it is necessary for us to modify our opinion, add an emphasis-of-matter or other-matter paragraph(s), or withdraw from the engagement.

We appreciate the opportunity to be of service to you and believe this accurately summarizes the significant terms of our engagement. If you have any additional questions, please do not hesitate to contact us.

Very truly yours,

Johanson Group LLP

Exhibit 2: Letter of Engagement (SOC 2)

Now as part of its protest and contrary to its original representations made to the City of not being able to produce the reports within the required timeframe, Blue Line is now claiming that it received its SOC 2 Type I Report, effective as of September 13, 2024, on October 16, 2024. Yet, for whatever reason, Blue Line failed to forward the report to the City on the same day the Johanson Group provided it to Blue Line despite the deadline articulated in Addendum No. 3, , which is 60 days after the proposal due date, November 5, 2024. It is evident from your own facts that this was an avoidable issue by Blue Line.

While the circumstances concerning your matter are quite unfortunate, Blue Line must take responsibility for its own actions or inactions.

Blue Line further alleges that:

- 1) The City intended to say 60 business and not calendar days in order to comply with the submission requirements of the SOC 2 Type I report;
- 2) The decision to post the intended award to the second ranked firm, RedSpeed Florida LLC is arbitrary and capricious;
- 3) The Chief Procurement Officer should grant Blue Line relief by deeming the failure to timely submit the SOC 2 Type I report as a minor irregularity and waive the timing requirement to allow for the late submission of the SOC 2 Type I report; and
- 4) Mr. McDonald's email to provide the report by November 15th indicates that the Procurement Services Division established a new submission deadline of November 15, 2024 and proof that 60 business days and not calendar days was the City's intent.

These assertions are not accurate. Mr. McDonald does not possess the authority to unilaterally change the submission timeline requirements in the RFP solicitation document nor any subsequent issuance of an addendum or addenda. Conversely, when the SOC 2 Type 1 report was requested by Mr. McDonald on November 13th to be provided by Blue Line on November 15th, the Procurement staff were under the impression that it was still within 60 calendar days. This was a miscalculation and error on our part.

With this being said, Blue Line should not construe this to mean or argue that it should now be afforded the opportunity to submit the report after the deadline, and even if it were a minor irregularity as you argue, City's authority to waive a minor irregularity is discretionary.

Consequently, your request for relief to grant this protest is not supported by the applicable facts or law. Therefore, I hereby deny your protest and will be moving forward with the Notice of Intent to Award to RedSpeed Florida LLC.

Respectfully,

Glenn Marcos Digitally signed by Glenn Marcos
Date: 2025.01.30 12:59:28 -05'00'

Glenn Marcos, CPPO, CPPB, FCPM, FCPA
Chief Procurement Officer
Assistant Finance Director – Procurement and Contracts

cc: Susan Grant, Acting City Manager
D'Wayne Spence, Acting City Attorney
Laura Reece, Acting Assistant City Manager

Linda Short, Director, Finance Department
William Shultz, Chief of Police
Rhonda Montoya Hasan, Senior Assistant City Attorney
Eric Abend, Senior Assistant City Attorney
Julie Steinhardt, Assistant City Attorney
Tamecka McKay, Director, Information Technology Services
Angela Marinas, Assistant Director, Information Technology Services
Charles Everette, Security Manager/HIPPA Security Officer, Information Technology Services
Kirk McDonald, Senior Procurement Specialist
File

EXHIBIT A



JOSEPH M. GOLDSTEIN
 PARTNER, BOARD CERTIFIED IN BUSINESS
 LITIGATION
 Shutts & Bowen LLP
 201 East Las Olas Blvd.
 Suite 2200
 Fort Lauderdale, FL 33301
 DIRECT (954) 847-3837
 EMAIL JGoldstein@shutts.com

August 16, 2024

VIA E-MAIL

Glen Marcos, CPPO, CPPB, FCPM, FCPA, GMarcos@fortlauderdale.gov
 Chief Procurement Officer/Assistant Finance Director
 City of Fort Lauderdale

Re: Protest of Solicitation Automated School Zone Speed Detection Camera System - RFP Event 332-1(the “School Zone Solicitation”)

Dear Mr. Marcos:

We represent Blue Line Solutions LLC, a responsible vendor who provides automated school zone speed detection camera systems, and files this protest of the above-referenced School Zone Solicitation because the requirement for Service Organizational Controls (SOC) Type 2, Type 1 or Type 3 report to be provided with the proposal is unduly restrictive, overstates the City’s needs, and limits competition. Blue Line Solutions timely files this protest five days prior to the date the proposals are due. See City Code of Ordinances, § 2-182.1., Protests of solicitations.

The requirement for a Service Organization Controls (SOC) 2, Type 1 report (or a SOC 3 report) to be submitted with the proposal is unduly restrictive.

On July 16, 2024, the City issued the School Zone Solicitation, which contains the following restrictive specification:

2.45 Service Organization Controls

The Contactor should provide a current SSAE 18, SOC 2, Type I report with their proposal. Awarded Contractor will be required to provide an SSAE 18, SOC 2, Type II report annually during the term of this contract. If the Contractor cannot provide the SSAE 18, SOC 2, Type I report at time of proposal submittal, a current SOC 3 report will be accepted.

Solicitation, Section II – Special Terms and Conditions, § 2.45 (15 of 31 pdf). In the open Question and Answer period, a prospective vendor asked a question to determine if the SOC 2 Report was a mandatory requirement, but received no response other than a reference back to the Solicitation. As a result of this uncertainty, Blue Line Solutions reluctantly files this bid protest to ensure that it has a fair and full opportunity to compete.

SOC 2 stands for System and Organization Controls 2. It was created by the American Institute of Certified Public Accountants (AICPA) as a way to help organizations verify their security and reduce the risk of a security breach. The name relates to which controls are being assessed, which for the case of SOC 2, is an organization's data security controls across their technical system and day-to-day operations. The average SOC 2 process takes between six months to a year. Moreover, a SOC 3 Report, which is offered as an alternative solution, is merely a SOC 2 report intended to be released for general distribution, i.e., a redacted-like SOC 2 report, which is issued in conjunction with SOC 2 Reports. Thus, if a vendor does not have a SOC 2 report, then it would not have a SOC 3 Report.

SOC 2 Reports are more common for service companies providing document management, financial services, healthcare-related, information technology, and payroll process. Indeed, few, and most likely only one, responsible vendor that is likely to reply to the School Zone Solicitation currently possesses such.

The Nlets Audit is more appropriate for the services sought in the School Zone Solicitation.

Currently, Blue Line Solutions has processes in place that ensure the same compliance as that of a SOC 2 Report. Blue Line Solutions' relationship with Nlets, the premiere interstate justice and public safety network, uniquely positions Blue Line Solutions to align closely with the project scope of automated photospeed enforcement. See [Nlets Home](#). Nlets' focus on secure and seamless data exchange across jurisdictions directly supports the need for real-time, reliable communication and data integration essential to automated enforcement systems. By leveraging Blue Line Solutions' ongoing audits and compliance with Nlets' rigorous standards, Blue Line Solutions ensures that our solutions not only meet but exceed the security and operational requirements necessary for this project. This relationship underscores Blue Line Solutions commitment to delivering robust, compliant, and efficient automated photospeed enforcement solutions.

Blue Line Solutions Nlets audit is substantially similar to the SOC 2 Report. Blue Line Solutions' relationship with Nlets, which includes a rigorous audit process, is especially relevant to the project scope of automated photospeed enforcement. The Nlets audit comprises 113 requirements that are directly based on Criminal Justice Information Services (CJIS) policy, ensuring that Blue Line Solutions' practices align with the highest standards for security and data integrity. Unlike SOC 2, which provides a broader framework for general data security, the Nlets audit is specifically tailored to the needs of criminal justice information and includes an onsite audit to verify compliance. This makes the Nlets audit more directly applicable to photospeed enforcement, particularly given the necessity of secure, reliable connections to state DMV databases for accurate enforcement. Our adherence to these stringent requirements through Nlets

demonstrates our capability to manage and protect sensitive data in a way that is fully aligned with the needs of this project.

Nonetheless, Blue Line Solutions is also moving forward with the SOC 2 process, but such could not have been completed in the short period of time expected by the posting of the School Zone Solicitation. Blue Line Solutions has engaged a third-party auditor and can provide a letter from such auditor to provide the City with assurance that a SOC 2 Type I and II Report will be completed prior to the first citation for the City being issued.

The City should delete the SOC 2 Type I or SOC 3 Reports as a requirement.

“Specifications shall permit open and unrestricted competition. . . .” Procurement Manual, at 29, ¶ R.c. Further, “[s]pecifications should define the level of performance required rather than a specific brand name. . . .” *Id.* at § R.d.; *see also* at § R.f.3) The City’s Procurement Manual is consistent with Florida law in that unduly restrictive requirements are forbidden and, instead, specifications must permit maximum competition whenever possible. Procurement Manual, at 21, § 5.e; *see also id.* at 8, § F.6. (prohibiting vendors from assisting in writing specifications and avoiding proprietary specifications).

Here, the reference to SOC 2 Type I or SOC 3 Reports unduly restricts competition in two ways. First, it adds a requirement that is not necessary to meet the City’s needs, and is only available to one or a few otherwise responsible vendors for these services. Second, even if the City does need some assurance regarding the vendors’ security and processes it should not require such a specific brand name as the SOC 2 or SOC 3, but instead permit comparable alternatives such as an Nlets audit. *See Advocacy Center for Persons with Disabilities, Inc. v. Florida Dept. of Children & Family Servs.*, 721 So. 2d 753, 755 (Fla. 1st DCA 1998) (noting that general rule of procurement law recognizes that specifications “should contain nothing that would otherwise prevent or restrict full and free competition.”).

The government’s specifications should not be so restrictive so as to unduly restrict competition. For example, in *American Biodyne, Inc. v. Agency for Health Care Admin.*, DOAH 94-6887BID (Recommended Order January 31, 1995) 1995 WL 1052934, at *13-14 (Fla. Div. Admin. Hrgs. 1995). the ALJ concluded that a 60-day deadline for implementation of contract requirements contained in the solicitation was arbitrary and illegal because it inhibited competition. The ALJ found the deadline overly restrictive because one offeror had been provided exclusive access to certain required subcontractors and, therefore, had gained a strong advantage over all other offerors with respect to performing the work within the 60-day deadline. Similarly, a specification that is intended to only produce one likely solution is also unduly restrictive. *Anagram Corp. v. Department of Community Affairs*, DOAH Case No. 93-0854BID, 1993 WL 943780 (Fla. Div. Admin. Hrgs. May 12, 1993) (sustaining bid protest where specifications designed to produce only one responsive bid).

Glen Marcos, CPPO, CPPB, FCPM, FCPA
August 16, 2024
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In conclusion, Blue Line Solutions files this bid protest seeking the following relief. The City should eliminate the requirement or make clear that alternatives, such as the Nlets audit process, are sufficient, and that vendors such as Blue Line Solutions who do not possess a SOC 2 Report will not be rejected or otherwise evaluated less favorably.

In addition, Blue Line Solutions requests that the City immediately stay the solicitation process and extend the due date for receipt of proposals until this protest is resolved by the Chief Procurement Officer or City Manager.

We appreciate your thoughtful consideration of this protest that only seeks to ensure that all responsible vendors that provide these School Zone services may fairly compete for award.

Sincerely,

Shutts & Bowen LLP



Joseph M. Goldstein

Cc: Thomas Ansbro, City Attorney, tansbro@fortlauderdale.gov

FTLDOCS 9233423 2

EXHIBIT B



**CITY OF FORT LAUDERDALE
PROCUREMENT SERVICE DIVISION
101 N.E. 1 STREET, SUITE 1650
FORT LAUDERDALE, FLORIDA 33301**

August 21, 2024

Via Email
JGoldstein@shutts.com

Joseph M. Goldstein
Shutts & Bowen LLP
201 East Las Olas Blvd.
Suite 2200
Ft. Lauderdale, FL 33301

RE: Response to Protest- Request For Proposals (RFP) No. 332, Automated School Zone Speed Detection Camera System

Dear Mr. Goldstein:

The City of Fort Lauderdale ("City") is in receipt of your timely protest on behalf of your client, Blue Line Solutions ("Blue Line ") regarding RFP No. 332, Automated School Zone Speed Detection Camera System.

Blue Line in its written protest states that the requirement ("specifications") for Service Organizational Controls (SOC) Type 2, Type 1 or Type 3 report to be provided with the proposal is unduly restrictive, overstates the City's needs, and limits competition. The RFP, Section 2.45, Service Organization Controls, mentions that,

"THE CONTRACTOR SHOULD PROVIDE A CURRENT SSAE 18, SOC 2, TYPE I REPORT WITH THEIR PROPOSAL. AWARDED CONTRACTOR WILL BE REQUIRED TO PROVIDE AN SSAE 18, SOC 2, TYPE II REPORT ANNUALLY DURING THE TERM OF THIS CONTRACT. IF THE CONTRACTOR CANNOT PROVIDE THE SSAE 18, SOC 2, TYPE I REPORT AT TIME OF PROPOSAL SUBMITTAL, A CURRENT SOC 3 REPORT WILL BE ACCEPTED."

In response to your statement, during the Question-and-Answer period, a proposer did inquire as follows:

"Given the limited number of vendors who can meet the SOC 2 requirements, is the Authority interested in entertaining vendors who are in the process of getting their SOC2?"

Proposers were directed to Section 2.45, because the City's position is clearly delineated in that section. Furthermore, as mentioned in your protest, SOC 2 Reports are common for service companies in different sectors including information technology. The procurement of an automated school zone speed detection camera system is an information technology project.

Moreover, in your opinion, the Nlets Audit is more appropriate for the services sought in RFP No. 332, Automated School Zone Speed Detection Camera System, because Blue Line's contend that the Nlets audit is substantially similar to the SOC 2 Report. As a result, the City should delete the SOC 2 Type I or SOC 3 Reports as a requirement.

Thus, I conferred with the subject matter experts of the City's Information Technology Department and requested for them to advise on whether they agree the Nlets Audit is substantially similar to the SOC Report and acceptable to meet the SOC Report requirement.

The City's Information Technology provided the following response and position.

"...The City's policy, specifically Policy 2.45 Service Organizational Controls, clearly outlines the requirement for a current SSAE 18 SOC 2 Type I report with proposals. This requirement is in place to ensure that vendors possess the necessary security controls and safeguards to protect sensitive city data.

An SOC 2 report is a rigorous, independent assessment conducted by a qualified third-party auditor. This audit examines a service organization's systems and controls in relation to security, availability, processing integrity, confidentiality, or privacy. The SOC 2 report provides assurance to the City that the vendor has implemented robust security measures to protect our data and systems.

While we appreciate your [Blue Line's] perspective on the Nlets audit, it is important to clarify that it does not meet the rigorous standards and comprehensive scope required by an SOC 2 report. An SOC 2 audit provides a thorough evaluation of an organization's overall systems and controls, encompassing a broad range of security measures. Conversely, an Nlets audit is specifically designed for law enforcement agencies and addresses a more limited set of framework and compliance requirements. Given the critical nature of the data handled by the City of Fort Lauderdale as a whole, we must adhere to the highest security standards to safeguard the information of our residents and personnel.

Furthermore, it is essential to clarify that an SOC 2 Type II report, requires annually audits and reporting is not a one-time event but rather an ongoing process of monitoring and improvement. This continuous assessment ensures that the vendor maintains strong security controls throughout the contract term.

Given the critical nature of the services being procured and the sensitive data involved, the City cannot deviate from the established SOC 2 requirement. We believe this standard is essential to protect the interests of our citizens and ensure the integrity of our operations...."

Hence, the City denies Blue Line's petition for relief that the City should eliminate the requirement or make clear that alternatives, such as the Nlets audit process, are sufficient, and that vendors such as Blue Line who do not possess a SOC Report will not be rejected or otherwise evaluated less favorably.

The City will move forward with the RFP solicitation and process.

Respectfully,

Glenn Marcos Digitally signed by Glenn Marcos
Date: 2024.08.21 15:25:46 -04'00'

Glenn Marcos, CPPO, CPPB, FCPM, FCPA
Chief Procurement Officer
Assistant Finance Director – Procurement and Contracts

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cc: Susan Grant, Acting City Manager
Thomas Ansbro, City Attorney
Laura Reece, Acting Assistant City Manager
Linda Short, Director, Finance Department
William Shultz, Chief of Police
Rhonda Montoya Hasan, Senior Assistant City Attorney
Eric Abend, Senior Assistant City Attorney
Julie Steinhardt, Assistant City Attorney
Tamecka McKay, Director, Information Technology Services
Angela Marinas, Assistant Director, Information Technology Services
Charles Everette, Security Manager/HIPPA Security Officer, Information Technology Services
Kirk McDonald, Senior Procurement Specialist
File