



CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING

#25-0379

TO: Honorable Mayor & Members of the
Fort Lauderdale City Commission

FROM: Susan Grant, Acting City Manager

DATE: April 1, 2025

TITLE: Appeal of the Chief Procurement Officer's Denial of Protest Submitted By
Blue Line Solutions, LLC on the Recommendation to Award Request for
Proposals No. 332-5, Automated School Zone Speed Detection Camera
Program - RedSpeed Florida LLC - (**Commission Districts 1, 2, 3 and 4**)

Recommendation

Staff recommend the City Commission consider the appeal of the Chief Procurement Officer's ("CPO") denial of the protest submitted by Blue Line Solutions, LLC (Blue Line) on the Recommendation to Award Request for Proposals No. 332, Automated School Zone Speed Detection Camera Program to RedSpeed Florida LLC (RedSpeed). The City Commission may affirm, reverse, or modify the CPO's decision.

Background

The Procurement Services Division issued Request for Proposals (RFP) No. 332-5, Automated School Zone Speed Detection Camera Program, on July 19, 2024, requesting proposals from qualified service providers to provide Automated School Zone Speed Detection Camera System Equipment with both Light Detection and Ranging (LiDAR) and Radio Detection and Ranging (RADAR) options to the City, in accordance with the terms, conditions, and specifications contained in the Request for Proposals (RFP).

The proposal closed on September 6, 2024 with the following seven firms responding:

- American Traffic Solutions, Inc. dba Verra Mobility
- Blue Line
- Elovate dba Modaxo Traffic Management USA, Inc.
- Jenoptik Smart Mobility Solutions LLC
- NovoaGlobal, Inc.
- RedSpeed
- Sensys Gatso USA, Inc.

The Evaluation Committee (EC) met on October 15, 2024, to evaluate the 7 proposals and hear presentations. The EC shortlisted the following 3 firms: American Traffic Solutions, Inc. dba Verra Mobility; Blue Line; and RedSpeed. On November 13, 2024, the EC discussed and heard additional presentations from the shortlisted firms. The EC

scored and ranked Blue Line as the highest ranked responsive and responsible firm. However, Blue Line was later deemed non-responsive for failure to submit a current SSAE, SOC 2 Type 1 Report within 60 days after the proposal due date in order for negotiations to commence as required by Addendum No. 3 of the RFP.

On January 16, 2025, the Notice of Intent to Award was posted on the City's website (Exhibit 1). On January 21, 2025, the City received a formal protest from the non-responsive firm Blue-Line (Exhibit 2).

The protest by Blue Line claims that its SOC2 Type 1 Report submission was timely based on the fact that the Addendum did not specify the 60 days as "calendar days". Therefore, the absence of the phrase "calendar days" should be interpreted as business days, which resulted in the last day to submit the report to be November 19, 2024, due to an intervening holiday (Labor Day on September 2nd) and a closure date due to Hurricane Milton (on October 10th). Blue Line further alleges that the Procurement Division demonstrated a contemporaneous interpretation of defining the word "days as business days" evidenced by the fact Blue Line was given a deadline of November 15th to produce the report. This was a mistake by the Procurement Services Division, however it did not prejudice Blue Line, as the deadline to submit the report had already passed when City staff mistakenly advised them to submit the report by November 15th. Blue Line infers that even if the report was indeed submitted untimely, it is a minor irregularity because it does not provide a competitive advantage or affect the City's interest. They contend the matter of producing the report is a responsibility issue and not responsiveness, which allows the report to be submitted and considered after the due date. It urges the Chief Procurement Officer to waive the minor irregularity or technicality as the decision to award to the second rank firm, RedSpeed, is an arbitrary and capricious act (Exhibit 3).

There is additional information and circumstances that are important to consider when evaluating Blue Line's written protest in order to determine the validity of their argument. This information is provided below.

Before submitting its protest of the award, on August 21, 2024, Blue Line protested the specifications of the RFP claiming that requiring a SSAE SOC2, Type 1 Report was unduly restrictive, overstated the City's needs, and limited competition. Blue Line urged the City to delete the SOC 2 Type 1 or SOC 3 Reports requirements and claimed the Nlets Audit to be a more appropriate report standard for the Automated School Zone Speed Detection Camera Program. Blue Line asserted that the Nlets audit is substantially similar to the SOC 2 Report as it comprises 113 requirements directly based on the Criminal Justice Information Services (CJIS) policy aligning it with the highest standards for security and data integrity. As a result, the Procurement Services Division requested the City's Information Technology Services (ITS) Department to review Blue Line's claim and provide a determination. ITS concluded that the Nlets audit did not meet the rigorous standards and comprehensive scope required by an SOC 2 Report to assure Blue Line's implementation of robust security measures to protect the data in its system. Accordingly, Blue Line's protest to delete the SOC2 requirement in the RFP was denied.

Nevertheless, the Procurement Services Division issued an Addendum (No. 3) to the RFP

changing the deadline response from August 30, 2024 to September 6, 2024 as well as the SOC2 timeframe submission requirement allowing for negotiations to occur with the highest ranked, responsive, and responsible firm contingent upon receipt of a current SSAE, SOC2, Type I report within 60 days after proposal date in our efforts to maximize competition and increase the likelihood for proposers to meet the SOC 2 report requirements.

Despite the City's effort to give all proposers more time to comply with the SOC 2 reporting requirements, Blue Line in its RFP response 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. Blue Line went on to reveal that it engaged the Johanson Group to execute a SOC 2 Type I or SOC 2 Type on the same date it submitted its proposal to the City on August 30th, 2024.

When Blue Line submitted its SOC 2, Type I report to the Procurement Services Division on November 13, 2024, it claimed that the report was effective as of September 13, 2024 but Blue Line did not forward the Report to the City when it received it nor any other time leading up to the deadline of November 5th. Blue Line failed to comply with the RFP SOC2 requirements and the Chief Procurement Officer denied Blue Line's protest as it was not supported by the applicable facts or law (Exhibit 3).

Blue Line has submitted a Notice of Appeal of Denial of Formal Protest for the City Commission to consider (Exhibit 4).

The recommended firm, RedSpeed, submitted a letter supporting the Chief Procurement Officer's decision to deny the protest (Exhibit 5).

It is staff's recommendation that the City Commission affirm the Chief Procurement Officer's decision to deny the protest and to proceed with the award to RedSpeed.

Strategic Connections

This item is a FY 2025 *Commission Priority*, advancing the Public Safety initiative.

This item supports the *Press Play Fort Lauderdale 2029* Strategic Plan, specifically advancing:

- The Public Safety Focus Area, Goal 1: Be a safe community that is proactive and responsive to risks.

This item advances the *Fast Forward Fort Lauderdale 2035* Vision Plan: We Are Community

Related CAM

25-0319

Attachments

Exhibit 1 - Notice of Intent to Award

Exhibit 2 - Blue Line Solutions, LLC Notice of Protest

Exhibit 3 - Chief Procurement Officer's Response to Protest

Exhibit 4 - Blue Line Solutions, LLC Appeal of the Denial of Protest

Exhibit 5 - RedSpeed Florida LLC Letter in Response to Blue Line Protest

Prepared by: Glenn Marcos, Chief Procurement Officer, Finance
Timothy McCarthy, Major, Police
Maria Herrera, Senior Financial Administrator, Police
Kirk McDonald, Senior Procurement Specialist, Finance
Matthew Eaton, Senior Administrative Assistant, Finance

Department Directors: Chief William Schultz, Police
Linda Short, Finance