



PJW Co.

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Tara Ronimous

Missouri Department of Revenue
Administration Division
Jefferson City, MO 65105
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Formal Protest **RFPSDOR240109**

Parkville License Office

December 27, 2023

Protesting Party: Paul J. Wrabec Company Inc.
521 S. Sterling Ave,
Sugar Creek, MO 64054

Point of Contact: Josko Wrabec
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Dear Ms. Ronimous,

Pursuant to 1 CSR 40-1.050(9), Paul J. Wrabec Co., Inc. ("Wrabec") hereby protests the award of the contract for RFPSDOR240109 ("the RFP") to 2015 Schotthill Woods, LLC. ("Schotthill").

Copies of the following accompany this bid protest as exhibits numbers as follows:

- (1) Evaluation Report for RFPSDOR240109
- (2) RFPSDOR240109
- (3) Wrabec's Proposal for RFPSDOR240109
- (4) Schotthill's proposal for RFPSDOR240109
- (5) Inventory report search dated 12/22/23
- (6) Department of Revenue Report FY22-FY23-Inventory Charges file
- (7) Screenshot of DOR "past employee" information of Ms. Sarah Rhoads
- (8) Curriculum Vitae of Ms. Sarah Rhoads

This bid protest is filed within the 10 business days as set forth in 1 CSR 40-1.050(9).

Paul J. Wrabec Co. Inc. protests the procurement for RFPSDOR240109 on several grounds, as follows:

Wrabec's Point I: Incorrect Assessment of Schotthill's Exhibit A, Section B-6B – Inventory Control Experience.

Pursuant to Department of Revenue Inventory Reports, Schotthill has not experienced at least two state agency-conducted audits for any license office owned. 2015 Schotthill Woods, LLC was awarded their first License Office in May of 2023, which means they have not been a license office contractor long enough to have completed both audits.

Exhibit A Section B-6B Inventory Control Experience states: “The state agency will verify the vendor’s inventory experience and award points based on the Vendor’s License Office(s) assessed charges for missing inventory in the aggregate, at any License Office based on the two (2) most recent state agency-conducted inventory audits (per License Office).” 2015 Schotthill Woods, LLC was awarded 8 points for having “Not been assessed any inventory charges in the last two (2) state agency conducted inventory audits. There are no state agency-conducted inventory audits that can be verified by using the FY22-FY23 Inventory Charges Chart located on the Department of Revenue website. See, Department of Revenue Report FY22-FY23-Inventory Charges file.

Noting this, and that 2015 Schotthill Woods, LLC was awarded their first license office May 2023, Schotthill should receive zero (0) points for an evaluation of “N/A, the vendor does not have a license office with two completed state agency conducted audits.”

Point 2: Incorrect Assessment of Exhibit A, Section A Personnel Retention, A-3 – Prior Experience in a License Office.

The award evaluation incorrectly evaluated Wrabec’s proposed manager, Sarah Rhoads’ License Office Management Experience which resulted in an incorrect award of 10 lesser points. Ms. Rhoads has over almost five years experience as a license office manager over the last ten years. The State’s incorrect assessment of Ms. Rhoads management experience is arbitrary, capricious and erroneous.

Exhibit A Section A Personnel Retention, A-3 – Contract License Office Manager’s prior experience in a license office states, “Indicate the years of experience the individual named as the Contract License Office Manager has working in a license office. The individual named as the Contract License Office Manager will be required to complete the mandatory training in Section 2.3.6. If the Contract License Office Manager’s experience cannot be verified, no points will be awarded for this section.”

Paul J. Wrabec Company Inc. selected the top tier “box” for Sarah Rhoads and should have been awarded 20 points because Sarah Rhoads has “1 or more years of experience as the Manager of a license office within the last ten (10) years.” Based upon Department of Revenue Records, Ms. Rhoads has over four years experience as the manager of two license office locations. See, DOR FY13-FY22 Transaction Information. See also, Ms. Rhoads Curriculum Vitae.

As defined in Attachment 3: Definitions, a Contract License Office Manager is an on-site employee who oversees all aspects of a contract license office and that has the authority to act on behalf of the contractor in all matters related to the management of the contract. Sarah Rhoads held the equivalent position of Contract License Office Manager when she was the Office Manager of the Independence License Office under contract CS160046001 with Elle Management, LLC from November 20th, 2017, to January 29th, 2019. In addition, Department of Revenue’s own records reflect this employment experience from 8-25-2014 until January 2019. Again, please see DOR FY13-FY22 Transaction Information.

Sarah was acting Office Manager of the Independence License Office from November 20th, 2017 – January 29th, 2019, and on the Department of Revenue website it states that she was the Office Manager at the Independence License Office from 2014-2019. Ms. Rhoads experience as Independence License Office Manager can be verified through internal state records. Based upon Ms. Rhoads over four years experience, Wrabec’s proposal of Ms. Rhoads as Contract License Office Manager exceeds the one year requirement and should have been awarded the full 20 points.

Point 3: Incorrect Assessment of other vendor’s ambiguous response to Exhibit A, Section C Miscellaneous Items, C-2 – Panic Button

Despite selecting both boxes for panic buttons, both Schotthill and other vendor respondent, Bella Risk WS, LLC were awarded the maximum points possible on the response for providing panic buttons. Both vendors should receive 0 points for being non-responsive or ambiguous as this portion should be a selection of one box only. The State selecting the maximum points be awarded to these ambiguous responses is arbitrary and capricious.

Exhibit A Section C Miscellaneous Items, C-2 – Panic Button states that Vendors “Will install at least one (1) concealed, alarm-monitored panic button under the customer service counters/desks” **OR** “Will install a concealed, alarm monitored panic button under the customer service counters/desks between every two (2) workstations.” Wrabec protests the award of the 5 points to both Scotthill Woods and Bella Risk for the “Panic Button” section (C-2). Selecting both boxes is non-responsive and ambiguous. Section 4.2.8 of the RFP states that “ambiguous responses to the exhibits may also result in an unfavorable evaluation of the vendor’s proposal.” It is the position of Wrabec that the instructions are clear that only one box should be selected, based on the maximum number of points that can be awarded in the evaluation element. (Attachment 6)

The vendor’s selection of both boxes leaves the decision to the State on which option the vendor will provide and thus how many points are awarded to the vendor. In this situation, the State decided both bidders would receive the maximum points for this section. The State’s decision to decide the vendor’s responses is arbitrary and capricious and thus should be excluded for points evaluated on those ambiguous responses.

In the alternative, if the State determines no change will be made, Wrabec. requests an explanation of how the decision was made between the two options the State selected in that section.

Submitted Respectfully,

Josko M. Wrabec

Josko Wrabec

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