



COUNTY OF MILWAUKEE
INTEROFFICE COMMUNICATION

Department of Transportation
Brian Dranzik, Director

Chair
County Board

OCT 18 2013

Referred

TPWT

DATE: September 30, 2013

TO: County Executive Chris Abele
Marina Dimitrijevic, Chairwoman, Milwaukee County Board of Supervisors

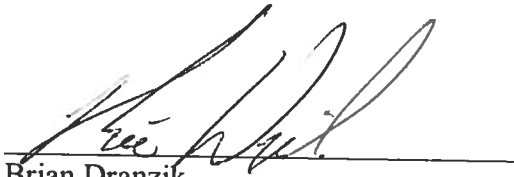
FROM: Brian Dranzik, Director of Transportation

SUBJECT: Notice of Bus Shelter Advertising RFP Cancellation

The attached letter to this memo is notification that MTS, Inc. has cancelled the RFP for Bus Shelter Advertising and plans to reissue an RFP. MTS has extended the current contract to the end of the year from its current contract end date of 9/30/13. The letter from MTS provides an overview for the reasons of cancellation. In summary, there was ambiguity in documentation provided for the DBE goal ultimately leading to a lack of competition for the service.

This notification is being provided based on the recent audit that called for formal notification to the County Executive and County Board Chair within 48 hours of an emergency contract/extensions with a detailed explanation of the nature and extent of the emergency, as well as the fiscal impact of the action taken. We do not believe the cancellation of the RFP and extension of the current contract through the end of the year constitutes an emergency since there is no loss of service to the public and there is no anticipated loss of revenue. However, since this is the first instance of a contract extension since the paratransit extension, and resulting audit, I felt it was in the best interest of the department to provide a notification of what occurred so it could be explained if asked by anyone outside the County.

If there was the potential of a stoppage of service, or the threat of loss of revenue, the Department would have made contact prior to this notice so that your office could be prepared in advance of a notice by letter.

A handwritten signature in black ink, appearing to read "Brian Dranzik", is written over a horizontal line.

Brian Dranzik
Director of Transportation

Milwaukee County Transit System

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vital then. vital now.



September 26, 2013

Brian Dranzik
Director of Transportation
Milwaukee County Department of Transportation
2711 W. Wells Street
Milwaukee, WI 53208

Re: Cancellation of Bus Shelter Advertising RFP

Dear Brian,

I am providing an update on RFP MM-11-13 for Bus Shelter Advertising. At this time, MCTS plans to cancel this RFP and put out a new RFP for Bus Shelter Advertising using the same specification and DBE goal, with the amount of time permitted for responses shortened from six weeks to four. To ensure no negative fiscal impact and continuity of advertising related revenues, the existing contract with Clear Channel Outdoor has been extended thru 12/31/13 rather than lapsing on 9/30/13.

This course of action is warranted for the following reasons: The Interim Director of CBDP, Ruben Anthony, informed us that the vendor determined to be of best value did not meet the required Good Faith Effort (GFE) for DBE participation and failed to persuade him to reverse this determination during an appeal. In addition, although there was one other proposal, the technical score for this vendor was so low that the technical evaluation team for this procurement could not endorse awarding a contract to the firm.

Details about this procurement follow:

An RFP for Bus Shelter Advertising was issued on June 6, 2013. A DBE goal of 14% of Gross Revenue was established. The original proposal due date was July 9, 2013, but an amendment extended the deadline to July 22, 2013.


Upon receipt of two proposals, MCTS forwarded the DBE paperwork to CBDP office for review and received the following response on 7/24/13: "Per your request, we have conducted a DBE responsiveness good faith evaluation review. Based upon the documents provided, it appears that the DBE submissions for both firms meet the requirements of the specification. Further analysis of the intended awardee's submittals will need to be performed."

Based on this e-mail, MCTS reviewed the vendor proposals in an effort to determine the intended awardee. On 8/27/13, after the technical review committee decided that the Clear Channel proposal represented the best value, MCTS requested that CBDP conduct the 'further analysis' described in the 7/24/13 e-mail. On 9/9/13, CBDP informed MCTS that Clear Channel

in fact did not meet the required Good Faith Effort (GFE) for DBE and could not be awarded a contract. Clear Channel was subsequently informed of their opportunity to appeal this decision by the CBDP office. In turn, Ruben Anthony contacted us on 9/19/13 and stated that the appeal will be rejected. Once CBDP delivers this news to the vendor, MCTS will cancel the RFP for the following reason: No adequate competition of qualified firms remained, as the RFP process eliminated all respondents to this RFP. In an effort to allow CBDP to be responsive to the appeal (and not inform a vendor of the outcome of their appeal indirectly), I ask that the pending cancellation of RFP MM-11-13 be held confidential until CBDP takes their official action of responding to Clear Channel in writing.

Finally, I am providing this information to you to be clear that the intent of a continuity of service clause was achieved thru the short-term extension of the existing revenue generating contract with Clear Channel Outdoor. The extension should afford an opportunity to complete an RFP issued with a four-week deadline.

Sincerely,



Michael J. Giugno
Managing Director

MJG/cn