

November 17, 2021

Mr. John Kohut, CPPO, CPPB  
 Manager III  
 Office of Procurement Services  
 1500 Marilla Street, Room 3FN  
 Dallas, TX 75201

*REC'D 11/18/2021*  
*John Kohut*  
*Time: 12:37 PM*

Re: Formal Protest of Buyer Solicitation Number BFZ20-00012141 for General Non-Engineering Environmental Services

Dear Mr. Kohut:

This letter serves as a formal protest of BFZ20-00011241. The reason for the protest stems from the evaluation process used by the City. For background, it should be noted that the previous General Non-Engineering Environmental Services Request for Qualifications, dated August 2014, used the same two-step scoring system as the current General Non-Engineering Environmental Services Request for Qualifications, dated March 2020. The process is summarized as follows in a contract award notice email from Mr. John Kohut with the City of Dallas on November 4, 2021:

*The first step evaluates each firm's overall qualifications to perform the stated services. This first evaluation is used to qualify firms scoring 80 or higher to move to the second step. The second step involves an evaluation in greater detail, at the department level, based on the specific services each firm submitted. Only firms receiving the three highest scores in the second phase are offered a contract for future services. The highest ranked firm for a specific service, for a specific department, is the primary firm, the second highest ranked firm will be the secondary firm, and the third highest ranked firm will be the tertiary firm. **The primary firm will be sought to provide the specific services most of the time for the specified department.***

After contract award of the August 2014 RFQ, EnSafe submitted a FOIA request with the City of Dallas in September 2016 and received various documents related to the evaluation and selection process in January 2017. Upon review of the documents, it was noted there were severe discrepancies in total qualification scores and primary selections. For example, Green Star had the fourth highest qualification score (92.5) but did not receive any primary selections. EnSafe had the seventh highest qualification score (91.75) but received two primary selections. Yet Terracon, with a lower qualification score (91), received the highest number of primary selections at 51. Cardno ATC had one of the lowest qualification scores (83.75) and received 11 primary selections.

The first step of the evaluation process noted by Mr. Kohut follows a typical and transparent process presented in all government solicitations in that the Request for Qualifications contains a chart of the different factors and the potential maximum points allocated to each factor/criterion. It is the second part of the evaluation process that is not typical or transparent – the process by which the departments make their decision is not with any degree of reasonable specificity. There are no stated criteria on which departments are basing their evaluations. According to the contract award notice email sent by Mr. John Kohut, this second evaluation was more detailed and based on the specific service area(s) firms chose to

bid on. Mr. Kohut says firms in the second evaluation are "ranked," but barring any clarity of its meaning, we are left to ask, "by what measure?"

EnSafe requests that the City suspend the award process and provide transparency as to the complete evaluation process and scoring system by each department. This is to verify that each department reviewed each proposal and selected the most qualified firms based only on the technical qualifications presented in the submitter's proposal and not on other factors completely unrelated to the technical qualifications and to which we, as a bidder, may have been unaware.

Contact information for our protest point of contact is:

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Sincerely,

EnSafe Inc.



By: Kevin Cromer  
Vice President, Contracts/Procurement/Risk Management