



CITY OF DALLAS

Office of Procurement Services

1500 Marilla Street, Room 3FN
Dallas, Texas 75201-6390

November 15, 2022

VIA EMAIL AT nationalauctionteam@gmail.com

Mr. Christopher Vaughan, Vice President-Government Contracts
Higgenbotham Auctioneers International Ltd., Inc.
2996 Murcott Way
Escondido, CA 92028

Protest of RFCSP BCZ22-00018733 – Real Estate Auction Services for City Owned Surplus Properties

Mr. Vaughan:

The Office of Procurement Services (OPS) of the City of Dallas (City) is in receipt of your letter dated September 23, 2022, where you formally protest the award of solicitation BCZ22-00018733 – Real Estate Auction Services for City Owned Surplus Properties.

Your protest letter states, in summary, that the City's procurement process and intended award are fundamentally flawed. The relief that you are requesting is that the City should immediately reconsider the intended award. You have also requested that the proposal results be released. OPS has responded to the following issues raised in your protest:

- Higgenbotham: Company is unsure of what “not the most advantageous proposal” indicates on the Notice of Intent to Award form.

OPS Response: The Notice of Intent to Award form is sent to proposers whose proposal is not the most advantageous to the City. “Most Advantageous Proposal” indicates that a proposal is the highest ranked proposal as scored by the evaluation committee. Conversely, “not the most advantageous proposal” indicates that the proposal was not the highest ranked proposal.

- Higgenbotham: Company feels that they were the most advantageous proposal in all criteria categories

OPS Response: While Higgenbotham was evaluated fairly by the evaluation committee, they were not the most advantageous overall proposal.

- Higgenbotham: Higgenbotham Auctioneers International Ltd. Inc. is the rightful highest scoring firm based on the facts.

OPS Response: Based on the overall scoring for this RFCSP, Higgenbotham is not the most advantageous proposer.

- Higgenbotham: Company requests a discussion with the City before any contract is finally awarded and/or executed to review how the initial award decision was made.

OPS Response: Per Texas Government Code 552.104 (a), "...if a governmental body demonstrates that release of the information would harm its interests by providing an advantage to a competitor or bidder in a particular ongoing competitive situation or in a particular competitive situation where the governmental body establishes the situation at issue is set to reoccur or there is a specific and demonstrable intent to enter into the competitive situation again in the future." Also, per section XVIII (3) of the solicitation's specifications, "After the most advantageous proposer(s) has been identified, Contract negotiations may commence. If at any time Contract negotiation activities are judged to be ineffective, Office of Procurement Services will cease all activities with the proposer and begin Contract negotiations with the next highest ranked proposer. This process may continue until either both the proposer and Office of Procurement Services executes a completed Contract or Office of Procurement Services determines that no acceptable alternative proposal exists" Since the City would be engaged in negotiations, the procurement is still open if the negotiations fail and the City proceeds to the next ranked proposer. Therefore, proposal/bid information related to an active procurement cannot be released or discussed until the negotiations are completed, the City Council has authorized a contract, and said contract has been fully executed.

- Higgenbotham: Company requests that the City needs to split this contract amongst the top 2 firms and then for the next 5 years, let it be a competition to see which firm performs best.

OPS Response: Per section VII of the specifications for this solicitation, the City's intent is to award this solicitation in its entirety. While the City reserves the right to award in the method that is most advantageous to the City, it was not the intent to have multiple awardees for this solicitation.

After a thorough review of the issues raised in your protest, the City's position is that the solicitation was conducted in a fair and open manner. Furthermore, the City does not find a basis upon which to change the intended award recommendation. It has been determined to be in the best interest of the City to award the services to the proposer that is deemed the most responsive and advantageous.

In response to your request to release the proposal results, OPS cannot release any information related to an open solicitation until the City Council has authorized a contract to be awarded. Once a contract has been fully executed, the proposal results can be released and a debrief can be scheduled.

Although Higgenbotham was not the awarded proposer for this solicitation, we encourage your participation in future solicitations advertised by the City. Thank you for your interest in doing business with the City of Dallas.

Please give me a call at 214-670-3348 or email me at timothy.graham@dallas.gov should you have any questions.

Sincerely,



Timothy Graham, Assistant Director
Office of Procurement Services

CC: Danielle Thompson, Director, Office of Procurement Services
Alireza Hatefi, Director, Department of Public Works
John Ingram, Manager, Office of Procurement Services
Doug Shelton, Sr. Procurement Specialist, Office of Procurement Services