



Office of Procurement Services

1500 Marilla Street, Room 3FN
Dallas, Texas 75201

October 2, 2019

VIA CERTIFIED MAIL, 9590 9402 4635 8323 1722 57
VIA EMAIL AT tdsmith72@sbcglobal.net

Terrence D. Smith
President
T. Smith's Lawn Service, LLC
3315 S. Danieldale Rd.
Lancaster, TX 75134

RE: Protest of RFB BQ19-00010547 TxDOT Grounds Maintenance (the "TxDOT Grounds Maintenance Bid")

Dear Mr. Smith:

The City of Dallas ("City") is in receipt of T. Smith's Lawn Service LLC's ("T. Smith") protest letter dated September 12, 2019 (the "Protest"). The City had deemed T. Smith non-responsive to the TxDOT Grounds Maintenance Bid. In the Protest, T. Smith alleges that its bid was responsive.

The City deemed T. Smith non-responsive because T. Smith did not meet the requirements set forth under Section 2.1, Experience and Qualifications, of the specifications.¹ In the specifications, the City required bidders to have experience in maintaining properties of the *same size and scope* as the properties outlined in the solicitation. The City requested references to confirm that the lowest bidder had the requisite experience.

The TxDOT Grounds Maintenance Bid is separated into three groups: East areas, West areas, and Landscaping areas, with the contract to be awarded in its entirety, i.e. not by group. Work to be performed in the East and West groups include mowing, litter removal, herbicide, major handwork, and minor handwork. Mowing for the East area covers 48,000 acres and mowing for the West area covers 64,140 acres, for a total of 112,140 acres required to be maintained under this contract.

Upon review of T. Smith's references, the City could only verify experience mowing a maximum of approximately 12,700 acres. 12,700 acres is far below the scope of 112,140 acres outlined in the specifications.

The City left messages and did not receive responses, or was not provided any references, for T. Smith's experience as to herbicide, major handwork, and minor handwork, which are additional

¹ Section 2.1 of the specifications states as follows: "Bids will only be considered from Bidders who have been established in the business of grounds maintenance a minimum of five (5) years maintaining properties similar to size and scope of the properties being bid. Bidder shall be able to meet additional work assignments as requested. Upon the City's request, Bidders shall provide five (5) verifiable references evidencing proof of five (5) or more years of business experience handling projects of the same size and scope for at least three (3) complete years for each project; total shall be a minimum of five (5) years' experience overall. References shall include the company name, address, phone number, project scope and contact name of a person who can and will discuss the nature of the Bidder's project(s) for their firm and if the Bidder has the ability to begin and perform the project on schedule, has a history of quality workmanship and has the ability and financial resources to successfully perform the job."

requirements in the East and West Groups. T. Smith did not provide references for the third group, Landscaping.

Because the City could not verify that T. Smith had experience of the same size and scope for all the requirements in this bid, the City deemed T. Smith non-responsive.

In the Protest, T. Smith also inquired as to a change in the size and the scope of work since the previous award. This solicitation has changed to: increase the frequency of litter removal; require monthly reporting on litter pickup quantity; increase the landscaped areas. T. Smith also asked why the City did not conduct a site visit. The City only conducts site visits for the lowest responsive and responsible bidder to conserve City resources.

After a thorough review of the issues raised in your protest, the City does not find a basis upon which to reconsider the award. Your protest letter and the City's response will be made available to the City Council during award consideration on October 23, 2019. Please keep in mind that the City's Code of Ethics prohibits you from lobbying councilmembers while the award is pending, but you may speak at the Council meeting.

We appreciate T. Smith's time and efforts in responding to this solicitation and in filing the Protest and encourage T. Smith to bid or propose on future solicitations. Please reach out to me with additional questions or concerns.

Sincerely,



Chhunny Chhean
Interim Director

c: Zarin Gracey, Director, Office of Business Diversity
Juanita Ortiz, Assistant Director, Office of Procurement Services
Robert Perez, Director, Public Works