

Addressing the math and scoring errors, as it relates to the analysis produced by the Intended Contract Recipient (ICR)'s counsel, what's most glaring is that it erroneously dismisses one example as though it's the only example, which it's absolutely not; it's one of over 20.

In the two examples provided by Feeding South Florida, it shows that Feeding South Florida received all "excellents" but received 7/10 points whereas the ICR did not receive all "excellents" but did receive 10/10 points (in Region 17, the ICR was properly deducted a point for having two "moderate" scores). The ICR's counsel is correct that just giving Feeding South Florida these three points alone does not change the outcome to make Feeding South Florida the winner. However, this was just one example of four errors made by the same reviewer in Region 18 (and the others).

Giving Feeding South Florida full points for all categories in which they received all "excellents" would add 7 points to the score, bringing Feeding South Florida and the ICR even. But it's not just about awarding full points to Feeding South Florida, it's about being consistent with scoring. The same reviewer correctly deducted one point from the ICR in Region 17 for having two "moderate" scores. Staying consistent, the ICR should also be deducted one point for having two "moderate" scores in Regions 18 and 19. (See attached spreadsheet.)

How can it be that one organization receives the highest marks but is deducted points and the other organization receives lower marks but is awarded full points? And how can it be that for the same marks received by one reviewer changes from region to region when all answers were the same across the applications?

Although the scores are based on the average of five reviewers, accurately correcting just this one reviewer's multiple errors changes the outcome in Broward County where there was a difference of 1.4 points. And if those same corrections were made in Miami-Dade where there was a difference of 0.8 points, Feeding South Florida would also win.

Although these simple and obvious corrections are enough to overturn the award, these "low-hanging fruit" changes do not include the multitude of other errors.

Preference was not given for items that the application and score sheets indicated they would. Meaning, the score sheets state they give "high points" for preferred items, such as an automated ordering system. The ICR does not have an automated system, but Feeding South Florida does, yet "high points" were not awarded to Feeding South Florida.

It appears all reviewers didn't have access to the same information or chose to omit the information. For example, one reviewer said "unacceptable" for not including a list of employees under Personnel when four other reviewers saw the information. Feeding South Florida did in fact provide the information, broken down by department and number of personnel in each department.

Though subjective scoring can result in minor discrepancies from one reviewer to the next, this last example is black and white, and is one of many like it. Either the information is there or it is not. In this case, the information was included and was found by all other reviewers.

For example, if someone said "Rate the looks of this car on a scale of 1 to 10." Person A might give it a 10. Person B might give it a 6. Both may be appropriate scores, as they are a question about someone's view on subjective criteria. However, if the question asks whether it is a car, and it is clearly a car, then

the answer has to be a yes, and full points should be awarded.

This last statement brings up the issue of a lack of rubric.

There was no point value assigned to the responses, nor was there an outline of what these responses meant. Reviewers could choose from the following responses to a question: Excellent, Good, Moderate, Marginal, Unacceptable. One reviewer could mark all “excellents” and award 7/10 points, yet the same reviewer could mark 7 “excellents”, two “goods” and an “unacceptable” and award 10/10 points. Similarly, both reviewers could mark 7 “excellents”, two “goods” and an “unacceptable and award 8/10 points.”

Using the car example above, when asked whether the vehicle is a car, and the answer is either yes or no, reviewers could choose from marginal or moderate or good. What’s the difference between these?

Further, while it’s not atypical that reviewers have different scores, when there is a large discrepancy, it’s standard best practice that reviewers discuss as a committee and come to a resolution.

This to say, these are the types of errors that are 1. Avoided by having a clear rubric with a question and point value ahead of time and are 2. Absolutely subject to review and correction through a normal bid protest process, which Commissioner Fried and the ICR argued should not be available in this process.

And that brings us full circle to our initial request for Commissioner Fried to thoroughly review and accurately rescore the applications with the oversight of an impartial third party to ensure transparency.