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Transportation procurement inconsistencies taking a toll on Florida taxpayers

By Peter Schorsch - Apr 20, 2015

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You might not know it from reading the *Tampa Tribune* lately, but at this moment a handful of major companies are locked in a heated campaign to secure a major state contract to provide an oftoverlooked but essential service: the administration of tolls that help fund Florida's more than 80,000 miles of roads.

After 16 years since the **introduction** of the Sunpass in 1999, our state's tolling infrastructure is due for an update. The Florida Department of Transportation is currently conducting a procurement process designed to evaluate the claims of the

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competing vendors vying to do just that.

But inconsistencies in the rankings produced by this process are raising questions about whether and how a legitimate outcome can be reached by it.

According to public records a panel of experts — called the Technical Committee — convened by FDOT last year gave their most favorable scores to **Accenture**, an international technology firm with a specialty in this kind of project. Accenture was rated the No. 1 choice among five competing vendors by four of the eight assembled panelists, easily earning the best score overall.

But afterwards, additional rankings from a smaller pool of four assessors gave the nod to document management giant **Xerox**, countermanding the committee's earlier decision on account of an allegedly "lower risk" to liability for the state and its taxpayers associated with them.

But while Accenture has quietly earned a **reputation for competence** and reliability—"the technology Accenture proposes is considered to be among best in class and we are confident that the firm's experience and creativity will enable the Illinois Tollway to remain at the forefront of this rapidly changing industry," glows Tollway chair **Paula Wolff** — Xerox faces internal probes and public challenges in other states where it recently wrangled lucrative state contracts.

For instance, complaints from consumer-protection and state governmental quarters in Austin have arisen just a year after Xerox won a five-year, \$100 million contract to do the same work they seek to do in Florida.

"Amid complaints from drivers about confusing bills and shoddy customer service, the Texas Department of Transportation said Thursday it is working to address concerns with its new toll billing system," wrote **Aman Batheja** of the *Texas Tribune*, to take just one example.

There are others: in California, a Xerox-steered project has created **nightmare scenarios** wherein many drivers have been hit with false or inflated violation notices — including motorists thousands of miles away who haven't driven in years on the bridges and roads the firm is charged with monitoring.

So it's no surprise that a protest to the procurement process in Florida emerged.

Cubic Transportation Systems, a San Diego company that also bid for the contract,

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entered an appeal on the basis that the self-same process was flawed. An administrative judge found that the procurement strayed from state statute regarding "Invitations to Negotiate" or ITNs — the formal process of inviting bids to compete for a public project — and awarded Cubic a \$3.6 million settlement from the state, a clear admission that something is amiss here.

Despite the somewhat muddled state of affairs in this massive ITN process, SaintPetersBlog is hearing reports that FDOT will announce it has decided to award the contract in its entirety to Xerox.

Given the scope of the work that will be performed by the contractor who prevails, it's worth more serious consideration than the unclear, highly irregular vetting period that FDOT has so far accorded it.

The sprawling state contract would comprise the maintenance and operation of all highway tolls across four massive Florida infrastructural systems — the Miami-Dade Expressway Authority, Tampa Hillsborough Expressway Authority, the former Orlando-Orange County Expressway Authority (now Central Florida Expressway Authority) and Florida Turnpike Enterprise. Official details have not yet been released, but the worth of the project would likely lie in the hundreds of millions of dollars over the length of the term.

That's a lot of Florida taxpayers' treasure to commit for likely five to 10 years without thoroughly scrutinizing all options, something this process seems to have fallen short of.

The aforementoned case of Illinois, which just recently retooled its statewide tolling system, could be instructive going forward. The state divides its tolling into systems and customer services aspects, and just awarded its systems contract to Accenture, citing a desire to expand "customer-focused solutions like mobile access" and other improvements.

With Cubic agreeing to drop its third-place bid in exchange for its earlier settlement and ambiguity about the process persisting, why not allow the top two firms, Xerox and Accenture, to similarly divvy up the work, or at least have open negotiations?

Whether this or something like it is done by way of an internal tapping of the brakes by FDOT; whether a court finds that a new ITN is in order after the fact; or whether an interested Legislature intercedes to make a corrective action, whatever form such a move would best assume, one thing is for sure amid these murky seas — all stakeholders involved, most importantly the taxpayers who will fund this work, ought to

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take a step back and reexamine this procurement and the process that governs it.

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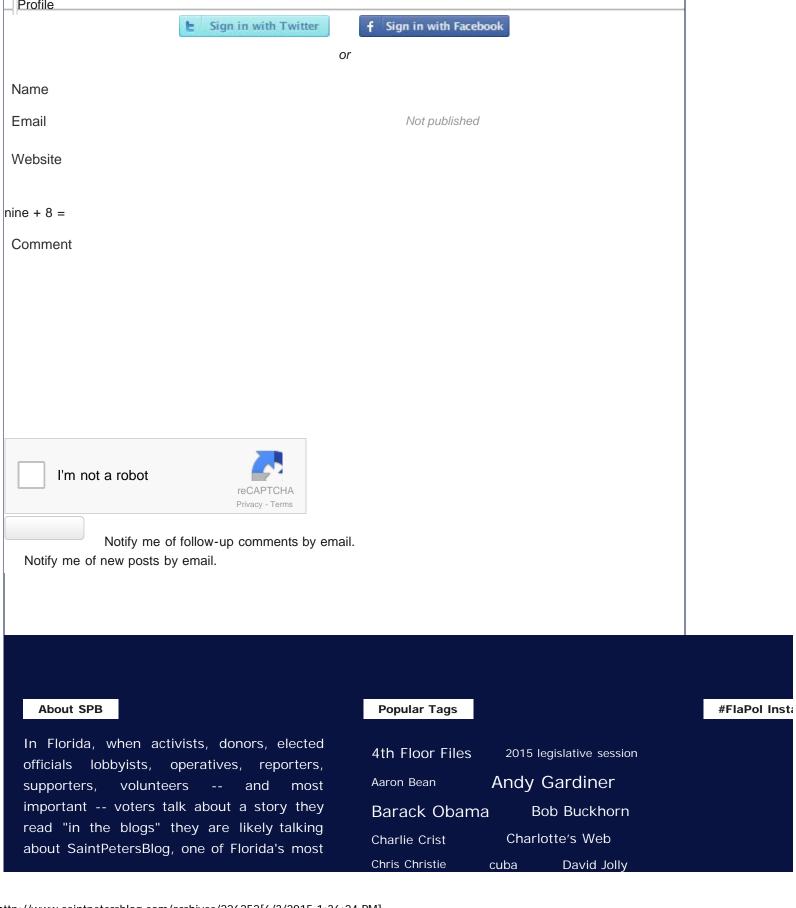
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