

State of Florida



Public Service Commission

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RECORDS AND REPORTING

DATE: OCTOBER 11, 1999

TO: DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAYÓ)

FROM: DIVISION OF COMMUNICATIONS (KING, MCDONALD, MOSES, TUDOR) *RT*  
DIVISION OF POLICY ANALYSIS & INTERGOVERNMENTAL LIAISON (MILLER) *CM*  
DIVISION OF APPEALS (BROWN) *MCB*

RE: DOCKET NO. 991222-TP - REQUEST FOR SUBMISSION OF PROPOSALS FOR RELAY SERVICE, BEGINNING IN JUNE 2000, FOR THE HEARING AND SPEECH IMPAIRED, AND OTHER IMPLEMENTATION MATTERS IN COMPLIANCE WITH THE FLORIDA TELECOMMUNICATIONS ACCESS SYSTEM ACT OF 1991.

AGENDA: 10/19/99 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: THE CURRENT CONTRACT WITH MCI EXPIRES MAY 31, 2000. SIGNIFICANT TIME IS NEEDED TO EVALUATE PROPOSALS, AND SET UP THE SYSTEM.

SPECIAL INSTRUCTIONS: PLEASE PLACE THIS ITEM IMMEDIATELY AFTER THE CONSENT AGENDA TO REDUCE INTERPRETER COSTS.

FILE NAME AND LOCATION: S:\PSC\CMU\WP\991222.RCM

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

CASE BACKGROUND

At the October 5, 1999 agenda, the Commission approved the release of a Request for Proposals (RFP) to provide relay service. The RFP was released on October 7, 1999.

At the October 5, 1999 agenda, Sprint requested that consideration be given to amending the time schedule to allow bidders more time to file their proposals (currently due on November 10). This recommendation addresses whether and how the proposals filing date could be changed to allow bidders more time to file their proposals.

Staff recommends that the filing date not be changed. However, if the Commission desires to extend the filing date, staff's recommendation discusses a change which will extend the time and also discusses the ramifications of the extension on final implementation of the system for the chosen Provider.

Before discussing the extension of time, the Commission should be aware of Section A.10. of the RFP on Restrictions on Communications. That section states as follows:

From the issue date of this RFP until a provider is selected, bidders are not to communicate with any FPSC Commissioner or staff member or Advisory Committee member regarding this RFP except for: a) written correspondence to or from the PRC Chairman or b) oral discussions at the bidders conference or at an oral interview or site visit. For violation of this provision, the FPSC reserves the right to reject the proposal.

Staff proposes that interested persons be allowed to speak at agenda regarding the RFP (released October 7) for the limited purpose of discussing this issue of extending the date for filing proposals and this should not be considered a violation of Section A.10. of the RFP. Section A.10 of the RFP is designed to protect the fairness and integrity of the bid selection process. It does not contemplate a situation where the Commission, at its public

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agenda conference, would simply consider extending the date to file proposals. By reading this recommendation, interested persons will be aware of this permission to speak at the October 19 agenda. Staff recommends, therefore, that all interested persons be permitted to address the Commission for the specific and limited purpose of discussing extension of the filing date.

#### DISCUSSION OF ISSUES

**ISSUE 1:** Should the Commission reconsider its vote establishing the current RFP date of November 10, 1999 for filing proposals to provide relay service?

**RECOMMENDATION:** No, the Commission should not reconsider its vote. However, if the Commission does choose to reconsider its vote, two options are provided that would extend the time.

#### **STAFF ANALYSIS:**

Staff developed the current RFP time schedule for implementing the next relay contract, taking into consideration several items:

First, the current contract expires on May 31, 2000 and the new contract should begin June 1, 2000.

Second, time has to be allowed for the successful bidder to implement the new system once the contract has been awarded and that may involve setting up a call center (selecting a site and building or leasing a facility and obtaining computers, software, telecommunications service and equipment, furniture) hiring personnel, developing operating procedures and training personnel.

Third, time must be allowed to handle any bid protest that might occur.

Fourth, time is needed for staff to summarize the individual evaluator's scores, to prepare a recommendation to the Commission and for the Commission to review that recommendation.

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Fifth, evaluators need time to analyze and score the approximately six proposals (contained in thick notebooks) that may be received.

Sixth, bidders need time to review the RFP and to prepare their proposals.

Seventh, time was needed to meet with the Advisory Committee (August 27, 1999) to review changes to the RFP and for staff to prepare a recommendation to the Commission and for the Commission to review and vote on the RFP to be released (released October 7).

Any change to the time schedule should not extend the time period for implementation beyond June 1, 2000, because to do so could leave the state without a statewide relay service provider as is required by Chapter 427, F.S. The alternative to implementing a new contract on that date would be that individual telephone companies would have to each begin providing relay service for their customers on that date, a contract extension would have to be signed with the current provider, or a temporary contract would have to be signed with one or more providers.

Without changing the implementation date, extending the time for bidders to file proposals can only occur by reducing the time for another step in the process. Possibilities include giving the successful bidder less time to implement the system. The current time provided consists of the time from when a contract is signed (approximately February 13, 2000) until June 1, 2000, approximately three and a half months. This is not a significant amount of time given all of the work that is required to implement a relay system. Recognizing that the schedule is tight, the RFP allows the Provider to provide the service from an out of state location for the first three months as the Florida location is being completed. Doing this also means that the item might have to be moved from the January 11 Special Agenda to a regular agenda. Since there is only one regular agenda in January, both the January 18 and February 1 agendas will likely be heavy agendas.

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Another possible place to reduce time in the schedule is to reduce the time the Commission has to review the staff's recommendation on selecting a bidder. Currently, the recommendation is due on December 30 for a Special Agenda on January 11 giving the Commission ten days for review. Since this would be the only item on the Special Agenda, the Commission would not need to be reviewing multiple items as is required for regular agendas.

The time for staff to prepare a recommendation based on the evaluators' scoring process could also be considered. Currently the recommendation is due to be filed on December 30 and, except for background information, it cannot be started until the evaluators file their scores on December 14. Staff's recommendation is currently being prepared over a fifteen calendar day period, which includes a holiday period.

The time period for the evaluators to read, analyze, compare and score the proposals is the 32 days from November 12 to December 14. Evaluations are done by both PSC staff and two volunteer members of the Advisory Committee. Determining whether to move or shorten the time period should take into consideration both the holiday period and the fact that this process involves volunteer members of the public. It should also take into consideration the size of the proposals (thick notebooks), the number of proposals (six parties have so far requested the RFP), and the number of individual items to be evaluated.

The current time for the bidder to submit its proposal is November 10 which is 34 days from the RFP release date of October 7. While the RFP did not become official until October 7, the draft was submitted to all known potential bidders on September 23 which is an additional 10 days; the final RFP was not significantly changed at agenda. Experienced bidders with experience in relay service are not developing plans as they might have had to do for their very first system; for the most part, they are slightly modifying systems that are already in place in another location in one form or another. Relay service has been widely provided since

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the early 1990's, and while new service options are added, the service is not changing rapidly.

However, if the Commission believes that the timeframe for filing proposals should be extended, staff has prepared two possible approaches. One would involve moving the decision from the January 11, 2000 Special Agenda to the January 18 regular agenda (option 1) and one moves it to the February 1 regular agenda (option 2). Both options give bidders additional time to file their proposals. The attached table lays out the steps under the current RFP and the proposed two options. There are multiple variations on any of the approaches.

**Option 1** increases the time the bidder has to file its proposal from the date when the bidder was sent the draft RFP from the RFP's proposed 48 days to 55 days (or from 34 to 41 days from when the RFP was issued). In order to accomplish this additional time:

- (1) the evaluators (Advisory Committee members and staff) are involved in scoring proposals into the holiday week (due December 20);
- (2) the vote on the winning bidder is moved from the January 11 Special Agenda to the January 18 regular agenda;
- (3) the selected Provider has 7 fewer days to implement the service (assuming no protest).

**Option 2** increases the time the bidder has to file its proposal from the date when the bidder was sent the draft RFP from the RFP's proposed 48 days to 69 days (or from 34 to 55 days from when the RFP was issued). In order to accomplish this additional time:

- (1) the evaluators (Advisory Committee members and staff) are involved in scoring proposals over the holidays (due January 7);
- (2) the vote on the winning bidder is moved from the January 11 Special Agenda to the February 1 regular agenda;
- (3) the selected Provider has 20 fewer days to implement the service (assuming no protest).

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As mentioned earlier, there are many variations on the above two options. Because moving the May 31 date by which service must be ready is not a highly viable option, any change in the schedule involves subtracting time from one step in order to add it to another step in the process.

While this time was scheduled for a Special Agenda, staff does not believe that moving this item to a regular agenda would cause a significant problem. Since there is only one agenda in January, it is likely that both the January 18 and February 1 regular agendas will be heavy agenda. However, we do not expect an extended discussion on selecting the Provider and adding this item will only extend the regular agenda a limited amount of time.

While adding time for the bidders to prepare their proposals might result in more detailed proposals, less time would be available for the evaluation of proposals process or there would be less time for the Provider to take the many steps needed to set the system up once a contract has been signed. Therefore, in order to give the selected Provider the maximum amount of time possible to set up the system, staff recommends that we proceed with the schedule in the RFP.

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**RFP TIMETABLE**

Step #	RFP Dates (est.)	# Days From (Step #X)	Option 1 Dates	# Days From (Step #X)	Option 2 Dates	# Days From (Step #X)
1. Release draft RFP	09/23/99		09/23/99		09/23/99	
2. Release RFP	10/07/99		10/07/99		10/07/99	
3. Bidders Conference	10/14/99	(#2) - 7	10/14/99	(#2) - 7	10/14/99	(#2) - 7
4. Proposals Due	11/10/99	(#1) - 48 (#2) - 34	11/17/99	(#1) - 55 (#2) - 41	12/01/99	(#1) - 69 (#2) - 55
5. Proposals Scored	12/14/99	(#4) - 34	12/20/99	(#4) - 33	01/07/99	(#4) - 37
6. Staff Recommendation	12/30/99	(#5) - 16	01/06/00	(#5) - 17	01/20/00	(#5) - 13
7. Agenda to Select	01/11/00 Special	(#6) - 12	01/18/00 Regular	(#6) - 12	02/01/00 Regular	(#6) - 12
8. Letter of Intent	01/14/00		01/21/00		02/04/00	
9. Sign Contract (assumes no protest)	02/13/00	(#8) - 30	02/20/00	(#8) - 30	03/05/00	(#8) - 30
10. Service Ready to Operate	05/31/00	(#7) - 141 (#9) - 108	05/31/00	(#7) - 134 (#9) - 101	05/31/00	(#7) - 121 (#9) - 87

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ISSUE 2: Should this docket be closed?

RECOMMENDATION: No

STAFF ANALYSIS: This docket should remain open throughout the life of the contract with the Provider selected to begin providing service on June 1, 2000.