

**O'Rorke Inc.**  
ororkeinc.com

San Francisco Office  
55 Hawthorne Street, Suite 550  
San Francisco, CA 94105  
Tel (415) 543-9119 Fax (415) 543-0566

Los Angeles Office  
226 S. Beverly Drive, Suite 214  
Beverly Hills, CA 90212  
Tel (310) 557-3010 Fax (310) 557-1006

TJ Knight  
Management Analyst II  
Bureau of Sanitation  
Centralized Contracts Unit

May 23, 2013

RE: Stormwater Public Education

Mr. Knight:

O'Rorke would respectfully like to provide this clarifying letter of protest regarding the Bureau of Sanitation Centralized Contracts Unit (dated May 17, 2013) finding O'Rorke "Non-Responsive" to completing the BIP subcontractor outreach requirements as it relates to Section IV "Negotiate in Good Faith – Indicator 6." As an agency that contracts solely with government agencies on social norm issues, O'Rorke would like to present additional information that demonstrates that the agency acted in good faith in reaching out to and trying to engage interested potential MBEs, WBEs, SBEs, EBEs, DVBEs, and OBEs as subcontractors for this contract.

We believe that the BIP Outreach system does not allow bidders to respond effectively if they plan to implement creative methods to engage with potential subcontractors. Although we appreciate that technical assistance was available when using the BIP outreach system, the system itself provides limited choice of response. We deemed that the responses we received from potential subcontracts were non-compliant with the City's requirements, although we were willing and eager to negotiate with them to find ways to engage them. Without complete information from the subcontractors, we were not able to adequately complete our proposal, and one of the subcontractors quoted rates that were substantially higher than our own, which we were unwilling to include, but hoped to negotiate with the organization upon contract award.

As an agency that has dedicated more than 25 years to providing similar outreach services to government agencies throughout California, our references will attest that we have always worked in the best interest of our clients and their constituents. We are committed to meeting all protocols and regulations set forth by our clients, and understand the City's goals and intent for the BIP process.

Our goal is for the City to review our technical proposal and judge us on the basis of our response there and our ability to conduct work on behalf of the Bureau of Sanitation. There you will see how we are both professionally and personally committed to providing quality work that drives behavior change while maintaining City procedures.

Outlined below is an explanation of how O'Rorke fulfilled the BIP outreach process as well as a response to each issue provided to us in the letter.

- Using BAVN's BIP Outreach System, O'Rorke invested a significant amount of resources to **reach out in all of the NAICS Work Areas selected by the City** as potential subconsulting work areas – **resulting in our sending out 192 letters.**
- Letters specified areas of work anticipated, project name, name of the proposer and contact information.

**City: Finally, O'Rorke never submitted a bid for non-selected subcontractor Cook + Schmid.**

Response: After submitting initial outreach to Cook + Schmid using the online City BIP system, Cook + Schmid did not provide the quote as requested in the initial letter, instead including a generic response. After additional follow-up via phone, where voicemail indicated the contact was out of town and calls were never returned, Cook + Schmid was deemed unresponsive. (Cook + Schmid response attached for reference.) Again, it was not clear how to use the BAVN BIP system to indicate that we received a response but it was not adequate to provide the City with the information required, nor was there space to explain the situation.

O'Rorke maintains that we conducted the BIP outreach with the best of intentions, hoping to receive more suitable responses than those that were received. City staff have been exceedingly generous in their responses and communication; however, the online BIP system is not necessarily set up to enable proposers (or subs) to truly demonstrate "good faith" to select and negotiate with the MBE, WBE, SBE, EBE, DVBE and OBE subcontractors most qualified to meet the objectives of the contract.

Our request today is that you reverse the non-compliance decision and allow O'Rorke to be evaluated on technical merit versus a system technicality, when in fact the good faith was exercised, just not accurately captured in the BIP system.

Sincerely,

A handwritten signature in cursive script, appearing to read "Tracy Keough", with a long horizontal flourish extending to the right.

Tracy Keough  
Managing Principal  
O'Rorke Inc.



## Rate Sheet

<u>Staff</u>	<u>Hourly Rate*</u>
Genoveva L. Arellano <i>Principal</i>	\$220.00
Chester K. Britt <i>Project Director</i>	\$198.00
Susan DeSantis <i>Senior Associate</i>	\$177.76
Laura J. Muna-Landa <i>Senior Associate</i>	\$158.40
Cheryl Donahue <i>Senior Associate</i>	\$158.40
Yesenia C. Arias <i>Senior Associate</i>	\$123.20
Raul Velazquez <i>Associate</i>	\$107.36
Elsa Argomaniz <i>Associate</i>	\$107.36
Maria Yanez-Forgash <i>Associate</i>	\$95.04
Melissa C. Holguin <i>Associate</i>	\$89.76
Elizabeth Hansburg <i>Associate</i>	\$61.60
Project Support Position <i>Staff Associate</i>	\$35.20

\* Rates are fully burdened and include base hourly rate, overhead and profit.

Re: BAVN: Subcontracting Proposal from S. Groner Associates, Inc. for Stormwater Public Education Program

From: Mellissa Tong

Sent: Tue, Aug 28, 2012 at 2:17 pm

To: nikki@ororkepr.com

---

Hi Nikki,

Thank you for your inquiry. Based on the categories listed, we can certainly provide the following.

Advertising  
Public relations  
Media buying  
Graphic design

Please let me know if you're interested.

Regards,

Mellissa Tong  
DuckPunk Productions, Inc.  
12022 Venice Blvd.  
Suite D  
Los Angeles, CA 90066  
Off 310-836-3818  
Fax 310-944-6466  
www.duckpunk.net

-----Original Message-----

From: opportunities@labavn.org [mailto:opportunities@labavn.org]

Sent: Friday, August 24, 2012 1:37 PM

To: mellissa@duckpunk.net

Subject: BAVN: Subcontracting Proposal from S. Groner Associates, Inc. for Stormwater Public Education Program

Date: August 24, 2012

Attention: DuckPunk Productions, Inc.

Subject: Stormwater Public Education Program

'S. Groner Associates, Inc.' is in the process of preparing a proposal for the above project and is interested in receiving subcontracting proposals for the following item(s):

- 516110: Internet Publishing and Broadcasting
- 541430: Graphic Design Services
- 541810: Advertising Agencies
- 541820: Public Relations Agencies
- 541830: Media Buying Agencies
- 541840: Media Representatives
- 541910: Marketing Research and Public Opinion Polling



## Rate Schedule

Staff	Rate
Tracy Keough / Director	\$180
Abbi Hertz / Supervisor	\$162
Julia Fishman / Supervisor	\$162
Maureen O'Rourke / Strategist	\$180
Gaylene Wayne / Creative Director	\$162
David Libby / Social Media Supervisor	\$162
Angela Anderson / Graphic Design	\$150
Rachel Zaokopny / Account Coordinator	\$100
Subconsultant Melinda Barrett	\$162
Interns	No Charge