



LSN GOVERNMENT AFFAIRS
Local * State * National

November 27, 2017

Ms. Brenda J. Billingsley, Director
Broward County Purchasing Division
115 S. Andrews Avenue, Room 212
Fort Lauderdale, FL 33301

Re: RFP No. R2114349P1, Group Prepaid Legal Insurance Services

Dear Ms. Billingsley,

The purpose of this letter on behalf of top-ranked proposer, Preferred Legal Plan, is to provide clarity to this RFP process by responding to the ongoing efforts of the RFP Project Manager, Lisa Morrison, to undermine an otherwise open, fair, and exhaustive procurement process. Ms. Morrison's October 27, 2017 memorandum asking you to reject all proposals and start the RFP anew is inconsistent with this RFP process and your Procurement Code.

The Broward County Procurement Code (Code) and the Broward County Commission expressly support a procurement process that is intended to foster effective broad competition within the free market system, while ensuring fair and equitable treatment of all persons who deal with County procurement. Code Sec. 21.3(b)

The RFP in question was drafted by Ms. Morrison and the Human Resources Division with support from the Purchasing Division and the County Attorney. The RFP was signed off by you, your Department Director and the County Administrator before being presented to the County Commission. On May 23, 2017 (Item No. 62), the Board of County Commissioners approved the RFP and the RFP for issuance. Five firms submitted and two subsequently withdrew.

Consistent with the County policy of fostering competition, the use of an RFP is an appropriate method of procurement where competing companies offer a variety of models for a provision of Group Prepaid Legal Insurance Services. Sec 21.8(b)(55) of the Code defines Request for Proposals (RFP):

“RFP Means a solicitation for offers to provide a solution to a problem. An RFP is characterized by description of the desired results and a scale of how the proposals to obtain these results will be evaluated...”

Contrary to Ms. Morrison's continuing efforts to convert this procurement into a defacto sole source in favor of U.S. Legal, the RFP did not require that the selected proposer had to propose a plan model that is identical to that of the current incumbent U.S. Legal Services, Inc. Indeed, the RFP expressly stated on page 7:

Services:

Proposer must be capable of providing the services listed in the enclosed Group Legal Insurance Benefits Project Specific Vendor Questionnaire and are asked to specify their ability to provide these services. If proposer cannot provide any of these services, the proposer must indicate in their response.

In the introductory Background section of the RFP (page 6), it states:

“The selected proposer shall, at a minimum, duplicate the current prepaid legal plan benefits...”

The idea of mandating that all proposers provide a service delivery model identical to that of the current provider (U.S. Legal) is anti-competitive and conflicts with the express purpose of utilizing an RFP under your Code. Additionally, it should be noted that the plan of benefits included in the RFP was copied and pasted **word-for-word** directly from U.S. Legal’s Certificate of Insurance filed with the State of Florida.

The three (3) shortlisted firms (and others) compete for business all over the State of Florida and have for decades, even though they each have distinct models by which they deliver legal services (i.e., the benefits).

In no instance has the issue of requiring an “identical model” ever come up in any of those hundreds of other RFP’s around the state. Why is Lisa Morrison so determined to have this RFP process (that she drafted and ran) thrown out? Acceding to Ms. Morrison’s position would make a mockery of an open RFP process. Rejection of the hard work of the Evaluation Committee and its unanimous support for Preferred Legal Plan would undermine this and future procurements in terms of staff confidence that service on evaluation committees can be summarily cast aside without sufficient justification.

Ms. Morrison never questioned that Preferred Legal Plan met the RFP and Code definition of a Responsible Bidder (offeror). However, the way her views unfolded in front of the EC is quite revealing as to Ms. Morrison’s continued efforts to advance one vendor over another.

During the EC meeting of August 14, 2017, Lisa Morrison opined that **only** U.S. Legal met 100% of the “Plan Design” and that Preferred Legal met 45% and Hyatt met 62%. EC voting member, Gretchen Cassini, asked Lisa Morrison to specifically explain how her office calculated these percentages. Lisa Morrison had replied, “by comparing the Presenter’s answers in the Plan Design Questionnaire Matrix”. Then, while following along with their copies, the EC had Ms. Morrison read the specific Plan Design Questionnaire language for each type of legal service covered under the plan. Each of the three proposers was asked to answer questions for the EC regarding the coverage provided in each of these areas of law:

- #3. Consumer Protection
- #6. Civil Actions
- #9. Insurance Law
- #11. Traffic Violations
- #14. Estate / Administration
- #15. Defense of Juveniles
- #16. Family Law
- #17. Criminal Violations
- #18. Guardianship
- #19. Contingency

- #23. Deportation / Removal
- #25. Business Law

The purpose of this vetting by the EC was to make a determination of which model would do the best job of providing the legal services (benefits) to the County employees and their families. The in-depth Q&A offered the EC a detailed picture of each plan in order to be in a position to evaluate the comparative methods, services, and benefits of the plans presented. Several interesting points came to light while the EC was reviewing the legal services in each Plan Design.

#6, Civil Actions: Preferred Legal exceeds the current Plan Design by providing unlimited services to assist County employees with forms and attorney review for cross-claims, countersuits and appeals unlike the U.S. Legal's plan.

#9 Insurance Law: Preferred Legal exceeds the current Plan Design by providing unlimited demand letters for insurance claims. The U.S. Legal's plan only covers claim denials between the member and his/her insurance company. This excludes any help with the initial demand letter or a claim against any other insurance company.

#14 Estate / Administration: Approximately, thirty (30) minutes into the EC meeting on August 14th, EC member Gretchen Cassini asked Lisa Morrison if she believed Preferred Legal exceeded the current plan design in this area because Preferred Legal offers estate planning services to its' member's Parents as well as the member, spouse or significant other. This is an extremely popular benefit and is richer than the current U.S. Legal Plan. The question was not answered by Ms. Morrison.

As a result of the EC's thorough review of each proposer's plan, the EC's action rejected Ms. Morrison's distorted numerical comparison approach, and instead used the information provided by the Q&A to comparatively evaluate the proposers. In other words, this EC did precisely what it, not Ms. Morrison, was charged to do. Ultimately, the EC recognized that the RFP did not mandate that all proposers had to use the same "model" as U.S. Legal. The EC focus was instead on the "benefits" provided and how those services are to be delivered to County employees who choose the plan.

The tape recording of the EC meetings reflects that the EC fully understood how each plan operates within the framework of the benefits (services) offered. The EC's time and diligence should not be overlooked. The RFP was opened on June 26, 2017. The EC declared each bidder to be Responsive and Responsible. Over the course of the two EC meetings, the EC heard more than three (3) hours of presentations and Q&A on the Plan models and how services are provided. In the end, the EC unanimously ranked Preferred Legal #1.

The lame suggestion by U.S. Legal that Preferred Legal should not be considered a responsible legal insurance plan provider is an insulting and frivolous statement. Preferred Legal has been operating as a licensed, regulated and bonded insurance company in the State of Florida since 1998. Preferred Legal has serviced and maintained long-standing relationships with groups and companies around the state, including many cities, state universities and other municipal organizations.

Preferred Legal Plan is attorney owned and operated, headquartered in Hollywood, Florida and operates its home office like a law firm. County Employees can utilize the home office attorneys on an unlimited basis with no restrictions or exclusions. **Preferred Legal Plan provides additional services above and**

beyond the U.S. Legal plan, such as unlimited Free credit repair, unlimited Free elder care, document preparation and related planning for Employee's parents, unlimited demand letters and phone calls to resolve disputes, and unlimited preparation of post-divorce motions – some of the most popular uses of the Preferred Legal Plan.

There is no merit to Ms. Morrison's one-person crusade to retain U.S. Legal, a company which has held this contract for 10 years and for whom Ms. Morrison has demonstrated a clear bias. We would be extremely disappointed if such an important RFP could be derailed by the Project Manager three months after a highly thorough and fair evaluation process. The EC reviewed the very issue Ms. Morrison complained of to the EC and in her October 27 memorandum, and the EC rejected Ms. Morrison's reasoning. I would be remiss if I failed to mention the fact that Preferred Legal Plan has been kept completely in the dark on Ms. Morrison's machinations and only know about them through her October 27 memorandum which we received through a Public Records Request.

I have requested a meeting with you to discuss these issues. I also respectfully request a copy of this cone of silence letter be provided to Commissioners at such time as this RFP is placed on the Commission Agenda for discussion or approval of the rankings as specifically required under the Code.

Thank you for your consideration of our request.

Sincerely,



George I. Platt

Cc: Andrew Myers, Esq., County Attorney
Glenn Miller, Esq., Assistant County Attorney
Brian Samuels, Esq.
Jason Rudolph, Esq.
Jacqueline Chapman, Purchasing Agent
Seth Platt

PREFERRED LEGAL PLAN™



A New Wave of Legal Representation™

SOME OF THE GROUPS AND COMPANIES PLP IS
CURRENTLY ASSOCIATED WITH INCLUDE . . .

- University of Florida
 - Florida Atlantic University
 - Broward College
 - St. Thomas University
 - Florida Memorial University
 - Florida National University
 - Lynn University
 - Miami Dolphins
 - Burger King Corp
 - Joe's Stone Crab
 - Borden Dairy of Florida
 - Loews Miami Beach Hotel
 - Mandarin Oriental Hotel
 - Don Shula's Hotel & Golf Club
 - The Breakers Resort
 - The Club at Admiral's Cove
 - Saddlebrook Resort
 - Craig Zinn Automotive Group
 - Warren Henry Automotive
 - Gunther Motor Company
 - Harley Davidson
 - Eisner Amper
 - Kaufman Rossin & Co.
 - GA Telesis
 - Moss & Associates
 - Miller Construction Company
 - City of West Palm Beach
 - City of Miami Beach
 - City of Boca Raton
 - City of Oakland Park
 - City of Homestead
 - City of North Miami Beach
 - City of Miramar
 - City of Plantation
 - City of Vero Beach
 - City of Dania Beach
 - City of Parkland
 - City of Venice
 - Palm Beach Sheriff's Ofc
 - Naples Airport Authority
 - Broward Clerk of the Court
 - Tropical Fin Credit Union
 - Dade Cty Fed Credit Union
 - Piper Aircraft
 - Mercantil Commercebank
 - Banco Itau International
 - United Way of Palm Beach
 - United Way of Broward
 - United Way of M-Dade
 - Sage Dental Group
 - Miami Science Museum
 - CareerSource PB County
 - Shands HealthCare
 - Shands Jacksonville
 - Miami Children's Hospital
 - NCH Healthcare System
 - Bethesda Healthcare Systems
 - Boca Raton Regional Hospital
 - Larkin Community Hospital
 - Moffitt Cancer Center
 - Martin Health Systems
 - Miami Jewish Health Systems
 - TrustBridge
 - SantaFe HealthCare
 - Ultimate Software
 - Girl Scouts of SE Florida
 - Wellnext/Nature's Products
 - 1-800-PetMeds
 - City Furniture
 - His House Children's Home
 - ChildNet Youth & Family Services
 - Gulliver Schools
 - Carrollton School of the Sacred Heart
 - BUPA Worldwide
 - MasTec
 - Turnberry Ocean Colony
- ... specific contact names and numbers
available upon request ...

ELECTRONIC - Summary Scoring Sheet
Combination Initial and Final Evaluation Meeting
RFP No. R2114349P1
Group Prepaid Legal Insurance Services
August 14, 2017

115 S. Andrews Avenue, Room GC-302, Fort Lauderdale, FL 33301

Firm Name	Gretchen Cassini	Kimm Campbell	Mary McDonald	Total	Ranking
Hyatt Legal Plans of Florida a MetLife Company (d/b/a Hyatt Legal Plans)	71.99	75.99	67.99	215.96	3
The Legal Plan, Inc. (d/b/a Preferred Legal Plan)	83.00	89.00	92.00	264.00	1
U.S. Legal Services, Inc.	80.90	85.90	82.90	249.71	2
TIE BREAKER CRITERIA					
1. Vendor located within Broward County as set forth in Subsection 21.31.c.					
2. Vendor which provides domestic partner benefits.					
3. Vendor that has the lowest dollar volume of work, calculated by payments to vendor, by County over a five (5) year period from the date of the submittal.					
4. A re-vote or re-assessment of only the tied vendors.					
5. Preference to vendor receiving a majority of the total first-place votes.					
Local Preference may not be applied to CCNA or Federally funded/governed procurements DELETE if not applicable					