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Original Submission Date: December 9, 2025
Amended and Restated Submission Date: December 10, 2025
Via Email and Certified Mail
Agency Commissioner
New York City Department of Transportation
55 Water Street
New York, NY 10041
CC:
Agency Chief Contracting Officer (ACCO)
NYC Comptroller – Bureau of Contract Administration
Mayor’s Office of Contract Services (MOCS)

Re: Amended and Restated Award Protest Under PPB Rule §2-10

RFP 84124P0005-84124MBTP632 — Secure Bike Parking (EPIN 84124P0005)

Dear Agency Commissioner

Modular Streetscape Systems Inc. d/b/a Oonee (“Oonee”), together with its joint venture partner Cyclehoop US LLC a subsidiary of Cyclehoop Ltd (“Cyclehoop”), (collectively, the “Protesters”), hereby submits this amended Award Protest pursuant to PPB Rule §2-10 regarding NYCDOT’s apparent selection decision for RFP 84124P0005-84124MBTP632 — Secure Bike Parking.

This submission amends, restates, and supersedes in its entirety the protest document originally submitted (electronically) by the Protesters on December 9, 2025. This amendment corrects clerical errors and to properly specify the applicable PPB Rules governing this procurement. This Amendment furthermore includes additions to Section B, minor revisions to Section C, and adds an Exhibit (A).

A. STATEMENT OF FACTS

1. Nature of the Action Being Protested

This protest concerns NYCDOT's apparent determination that another proposer, Tranzito, is the top-ranked vendor for the above-referenced RFP, as stated in NYCDOT's December 1, 2025 press release, *NYC DOT Prepares for Citywide Launch of Secure Bike Parking at 500 Locations*, which publicly announced:

"The New York City Department of Transportation (NYCDOT) has identified the top ranked vendor, Tranzito, to install and operate a citywide network of secure bike parking structures."

Although no official notice of non-selection has been issued and PASSPort still lists the procurement as open, this press release constitutes constructive notice of the agency's apparent selection determination.

This filing constitutes a protective protest submitted within the time limits prescribed by PPB rule §2-10. Because NYCDOT has not provided a debrief and has not released the underlying scoring materials, evaluator notes, or other adjudicatory documents requested under FOIL on December 5, 2025, the Protesters lack access to the information ordinarily necessary to articulate all grounds for protest in full.

Accordingly, the Protesters expressly reserve the right to supplement, amend, or expand this protest as additional information becomes available, including but not limited to documents produced through FOIL, materials released by NYCDOT, and information provided through any debriefing or subsequent agency communication.

2. Standing

Oonee and Cyclehoop jointly submitted a proposal in response to this RFP, possess a direct economic interest in the award, and therefore qualify as proper protestors under PPB Rule §2-10.

Cyclehoop US LLC was a duly named joint venture partner and co-proposer; both entities therefore have standing.

3. Timeliness

The press release dated December 1, 2025 is the earliest date on which the Protesters "knew or should have known" of the grounds giving rise to this protest.

The original protest filed December 9, 2025, is within the 10-day protest window required by PPB Rule §2-10. While Protestors have expressly reserved the right to supplement, amend, or expand this protest as additional information becomes available, both the original protest and this amendment are timely and properly before the Agency Head.

We note, for the record, that Oonee requested a debrief on December 4, 2025, but has not received any reply; thus, the protest must proceed without the benefit of information ordinarily provided in the debrief process.

B. DETAILED GROUNDS FOR PROTEST

Given the available fact-pattern, the general circumstances and the context of the historic relationship between Oonee and NYCDOT we believe that additional requested information, including but not limited to multiple FOIL requests, an Agency debriefing, scoring sheets and the submission materials of other proposers will demonstrate numerous procedural defects during the selection process that negatively affected the scoring of its joint proposal with Cyclehoop.

Please note that we have also submitted a FOIL request on December 5, 2025 for non-exempt adjudication materials. Additionally, we have formally requested an Agency debriefing, but have not yet received a response.

This is a protective protest submitted without the benefit of a debriefing, evaluation materials, or adjudication documents, and Protesters expressly reserve the right to amend or supplement these grounds as additional information becomes available.

Regardless, at this time, we have reason to suspect multiple defects in the selection, which include:

I. **Improper Weighting of Price and the Application of a De Facto Price Preference**

Based on the limited information available and without the benefit of a debriefing or access to the evaluation materials, Protesters have reason to believe that NYCDOT may have improperly elevated price beyond the 15% weighting specified in the RFP, thereby creating a de facto price preference inconsistent with the required scoring methodology.

The RFP expressly allocated 50% of the total score to "Relevant Experience," reflecting NYCDOT's stated intention to prioritize proposers with demonstrated capacity to deliver a high-quality, reliable, scalable secure bike

parking system. Protesters submitted the only proposal consisting of a team that has operated secure bike parking networks in both New York City and globally in Oonee, Cyclehoop, Altinnova and Bikeep whose combined experience deploying secure bicycle parking at municipal scale far exceeds that of any other proposer.

Despite this, Protesters were not afforded an interview, nor asked clarifying questions. If correct, this suggests that NYCDOT may have treated price as a determinative factor, even though price accounted for only 15% of the scoring rubric. Such a shift would constitute an undisclosed evaluation criterion, a prohibited deviation from PPB Rule §3-03, and would render the determination arbitrary and capricious under New York administrative law.

If Protesters were eliminated based on price without the opportunity for clarifications, which may have been an opportunity afforded to other proposers, this would represent an unequal application of procedure and a failure to adhere to the RFP's stated objectives. It would also frustrate the clear intent of the weighting system, in which Experience outweighed Price by a factor of almost three to one.

Protesters reserve the right to amend this ground upon receipt of the scoring sheets, evaluator notes, and clarification records requested through FOIL.

II. **Undisclosed Preference for Lower-Complexity Proposals**

Protesters further believe that NYCDOT may have applied an undisclosed preference for administrative simplicity or lower-complexity proposals, which is neither reflected in the published RFP criteria nor consistent with the weighting methodology. The Protesters' consortium comprising Oonee, Cyclehoop, Altinnova, Bikeep, Motivate, Deloitte, and Arcadis, brought unparalleled global experience, but necessarily involved a more robust operational structure.

If NYCDOT treated this depth of experience and partnership structure as a disadvantage, rather than the significant strength contemplated by the RFP's 50% weighting for Relevant Experience, then the agency effectively applied an unpublished evaluation criterion, contrary to PPB Rule §3-03.

Any such implicit preference for lower-complexity proposals, if it contributed to Protesters not receiving interviews or clarifying questions, would constitute a procedural defect and render the determination arbitrary and capricious.

Protesters reserve the right to supplement this ground upon receipt of evaluator notes and scoring documentation.

III. **Failure to Conduct Interviews or Request Clarifications Consistent With RFP Standards**

Protesters further note that NYCDOT did not provide an interview or request any clarifying questions regarding the Proposal, despite the Proposal's technical sophistication and the depth of operational detail included. It is common practice in complex RFPs for agencies to seek clarifications, confirm assumptions, or request additional information before making determinations regarding technical merit. If NYCDOT elected to conduct interviews or request clarifications from other proposers but declined to do so with Protesters, this would constitute unequal treatment and a procedural defect under PPB Rule §3-03.

Given the RFP's significant weighting toward Relevant Experience (50%) and Approach (23%), the absence of any interview or clarification opportunity raises serious questions as to whether NYCDOT appropriately evaluated the Proposal's strengths, especially in light of the Protesters' unique standing as the only proposer with demonstrated experience delivering secure bicycle parking networks in major global cities and within New York City itself. A failure to engage with such experience while relying solely on initial written materials to dismiss the Proposal from further consideration would constitute an arbitrary and capricious evaluation methodology.

Furthermore, if the absence of interviews or clarifying questions contributed to Protesters being omitted from the "shortlist" this suggests that the Proposal may not have been meaningfully reviewed in accordance with the RFP's stated objectives and evaluation criteria. Protesters therefore request disclosure of whether interviews or clarifications were conducted with any other proposers, and reserve the right to amend this protest upon receipt of such information through FOIL.

IV. **Unequal Treatment of Proposers and Procedural Disparities in the Evaluation Process**

Protesters are concerned that NYCDOT may not have applied evaluation procedures uniformly across all proposers, resulting in unequal treatment in violation of PPB Rule §3-03 and fundamental principles of fairness in competitive procurement. Based on information available to date, Protesters did not receive an interview, did not receive any clarifying questions, and

were not provided an opportunity to address potential misunderstandings or to cure minor administrative issues. If other proposers were afforded any of these opportunities, this would constitute a clear procedural disparity that materially affected the outcome of the evaluation.

NYCDOT's obligation under the RFP process is to ensure that all proposers are evaluated on an equal basis using consistent procedures and access to clarification. Where an agency selectively engages some proposers while excluding others from interviews or follow-up questions, the process becomes inherently uneven. Such disparities impede the evaluators' ability to accurately compare proposals and risk elevating proposals that benefited from additional explanation or correction over those that did not receive equivalent opportunity.

Given the technical complexity of Protesters' proposal and their substantial experience, the absence of any request for clarification suggests that evaluators may have relied on assumptions or misunderstandings without providing Protesters an avenue to resolve them. This is particularly concerning if the selected proposer engaged in clarifying dialogue with NYCDOT or was permitted to cure deficiencies, revise assumptions, or explain technical or cost elements.

If NYCDOT permitted such interactions with certain proposers but not others, the resulting determination would be arbitrary and capricious and inconsistent with the City's obligation to maintain a fair, transparent, and even-handed procurement process. Protesters therefore request disclosure of all clarifying questions, interview records, correspondence, and evaluation-related communications issued to any proposer, and reserve the right to amend this protest upon receipt of such information.

V. **Failure to Properly Apply the 50% Weighting Assigned to Relevant Experience**

The RFP allocated 50% of the total technical score to "Relevant Experience," reflecting NYCDOT's stated priority to select a proposer with demonstrated, large-scale experience deploying secure bicycle parking systems in complex urban environments. Protesters submitted the only proposal backed by a consortium of recognized global leaders in this domain—Oonee, Cyclehoop, Altinnova, and Bikeep—whose combined track record includes the design, manufacture, and operation of secure bicycle parking networks in major international cities, including London, Paris, and other European municipalities, as well as the only successful deployments within the New

York metropolitan area. Moreover, Protestors submitted 27 letters of reference from local and international municipalities, community organizations, and agencies (including City of Jersey City, Hudson Square BID, Meatpacking District, City of Paris, and Transport for London).

If NYCDOT determined that Protesters were not among the top proposers despite this degree of experience, it raises substantial questions regarding whether evaluators properly applied the 50% weighting assigned to this criterion. A failure to score the Proposal in a manner consistent with the superiority of its documented experience would constitute an arbitrary and capricious evaluation and a deviation from the published scoring framework required under PPB Rule §3-03.

Moreover, Protesters' unique experience operating secure bike parking infrastructure within New York City, including City-approved pilot demonstrations, interagency coordination, Public Design Commission approvals and locally developed policy frameworks, should have been particularly salient in evaluating Relevant Experience. If the evaluators did not consider these factors appropriately, or if they placed greater weight on unproven, lower-scale, or hypothetical experience presented by other proposers, the resulting scoring would not only be inconsistent with the RFP but would undermine the City's stated goal of implementing a world-class, reliable system.

Given that Protesters possess a level of experience materially greater than that of any other known proposer, the apparent outcome is difficult to reconcile with a good-faith application of the RFP's evaluation rubric. Protesters therefore request disclosure of the complete scoring sheets, evaluator notes, and supporting documentation used to assess Relevant Experience, and reserve the right to amend this protest upon receipt of such information through FOIL.

VI. **Misapplication of the Furnishing Structures Evaluation Criterion**

The RFP allocated 15% of the technical score to the "Furnishing Structures" category, requiring NYCDOT to evaluate the quality, durability, safety, operational integrity, and demonstrated real-world performance of the proposed secure bicycle parking infrastructure. Protesters' submission included structures developed by Cyclehoop, Altinnova, Bikeep and Oonee, firms that have produced and operated the most advanced and most widely deployed secure bicycle parking networks in the world, including major installations across London, Paris, and multiple European cities.

Equally important, these structures have also been successfully deployed within the New York metropolitan region itself (the only company to do so). Oonee's units have operated in New York City, including DOT- and MTA-approved demonstration sites, as well as in Jersey City, where long-standing deployments serve thousands of riders. These deployments demonstrate that Protesters' infrastructure performs reliably under the exact climatic, urban, and ridership conditions the City seeks to address. This local operational history is directly responsive to the RFP's requirement that proposers demonstrate experience on a "similar geographic scale" and in comparable urban environments.

By contrast, if NYCDOT awarded equal or greater credit to proposers offering structures that have never been deployed in major cities, or that lack proven performance within North American dense urban environments, such scoring would be inconsistent with the RFP's stated objectives.

If the evaluators failed to properly account for Protesters' unique combination of global, national, and local metropolitan operational experience, or if they discounted the value of infrastructure already tested in New York City and Jersey City, such omissions would constitute an arbitrary and capricious application of the Furnishing Structures criterion.

Moreover, if NYCDOT applied any implicit preference for lower-cost structures rather than evaluating based on experience, durability, safety, and performance as required, this would reflect the use of an undisclosed evaluation factor, contrary to PPB Rule §3-03.

Given Protesters' unmatched record of real-world deployments, both internationally and within the NYC metro region, any scoring outcome that undervalued these strengths must be carefully examined to determine whether evaluators properly applied the 15% Furnishing Structures weighting. Protesters therefore request disclosure of all scoring sheets, evaluator notes, and comparative analyses used to assess structural quality and operational history, and reserve the right to amend this protest upon receipt of such information.

VII. Failure to Properly Evaluate Protesters' Approach in Light of Local Vetting and Demonstrated Success in Comparable Global Cities

The RFP's Approach category, accounting for 23% of the technical score, required NYCDOT to evaluate proposers' methodologies for deploying, operating, and sustaining a citywide secure bicycle parking program in a complex urban environment. The RFP explicitly emphasized the importance

of:

- A. strategies grounded in real-world operational experience
- B. familiarity with New York City's regulatory and interagency landscape;
- C. demonstrated success implementing complex projects with diverse stakeholders
- D. methodologies capable of scaling to a system of similar geographic scale

Protesters' methodology meets and exceeds each of these requirements. Oonee has spent nearly a decade advancing secure bicycle parking across New York City and the broader metro region, managing extensive multi-agency coordination with DOT, MTA, City of Jersey City, Port Authority of NY & NJ, and numerous Business Improvement Districts and community organizations. This work includes site planning, community engagement, design customization, piloting, and long-term operations at locations that required negotiating among a wide variety of local stakeholders. The ability to deliver success amid New York City's regulatory, physical, and political complexity directly satisfies and arguably defines the competencies NYCDOT sought to measure under the Approach category.

Moreover, the Protesters' partners, Cyclehoop and Altinnova, bring approaches that have been uniquely validated at the scale and intensity most comparable to New York City. London and Paris are frequently cited within international transportation practice as the closest analogs to New York in terms of density, ridership volume, built environment constraints, and multimodal network complexity. These cities host secure bicycle parking systems numbering in the thousands of spaces that are designed, manufactured, deployed, and operated by the Protesters' partners. This global experience was not theoretical or aspirational; it demonstrated an empirical ability to deliver exactly the kind of "world-class," scalable, and reliable network envisioned in the RFP.

If NYCDOT did not recognize the significance of having the only proposer with proven success in both the New York metropolitan region and in the two most relevant global comparator cities, this would constitute an improper application of the Approach evaluation criterion. The RFP's emphasis on practicality, feasibility, and demonstrated capability should have resulted in Protesters receiving among the highest scores in this category. A methodology informed by actual deployments and comparable urban scale cannot reasonably be equated with approaches lacking large-scale validation,

direct New York City experience, or exposure to operational environments comparable to New York City.

Failure to credit Protesters for this unparalleled methodological foundation and for their demonstrated ability to navigate complex regulatory, political, and community processes within New York City would reflect either a misunderstanding of the RFP's requirements or a departure from them. Such an omission would render the evaluation arbitrary and capricious, and inconsistent with PPB Rule §3-03's requirement that agencies apply the stated evaluation criteria faithfully and transparently.

Protesters therefore request disclosure of all evaluator notes and scoring rationale relating to the Approach category, including any comparative assessments of local feasibility, stakeholder coordination experience, and validation in cities of comparable geographic scale. Protesters reserve the right to amend this protest upon receipt of such information.

VIII. **Failure to Ensure Alignment with Stated Public-Interest Objectives, New York City Design Standards, and Community Compatibility**

The RFP and NYCDOT's public communications made clear that the City sought a secure bicycle parking program that aligned with New York City's established expectations for public-realm design, durability, and community compatibility. In NYCDOT's May 2024 press release, the agency emphasized its commitment to delivering a *"world-class secure bike parking network that meets New York City's design standards and integrates seamlessly into the built environment."* This reflected the City's expectation that any chosen system would fit harmoniously within the existing street-furniture vocabulary and would be able to withstand the design scrutiny required in New York City's neighborhoods.

However, the December 2025 press release announcing the selected vendor did not reference design standards at all, despite their centrality to the City's earlier statements and to the RFP's criteria. Moreover, the photograph released on December 5th appears visually inconsistent with NYCDOT and Public Design Commission design standards, and diverges noticeably from the materiality, form, proportion, and aesthetic language used in CityBench, bus shelters, LinkNYC structures, bike corrals, and other street furniture programs.

This concern is not theoretical. Several Community Boards including Brooklyn Community Board 9 have already expressed serious reservations about the design shown in the December announcement, noting that it does not reflect

the design quality or contextual sensitivity typically required for placement in New York City's public realm. Such objections raise legitimate concerns regarding the system's ability to gain community support, pass siting review, and be installed at scale without significant delay. A program that encounters early and widespread community resistance is, by definition, less feasible and poses greater risk of implementation delays, which are contrary to NYCDOT's stated objectives.

By contrast, Protesters' consortium included a dedicated architecture and urban design team with experience navigating PDC requirements and community-level reviews. Oonee has previously undertaken iterative design refinement in collaboration with elected officials, community boards, BIDs, and multiple City agencies, resulting in successful deployments in New York City and Jersey City that proceeded without major opposition. This demonstrated ability to align design with community expectations is directly responsive to the RFP's approach and experience criteria and is a meaningful indicator of project feasibility.

If evaluators did not credit Protesters for their well-documented, locally vetted design methodology and instead elevated a design approach that is already facing community objections, this would reflect a failure to consider material public-interest factors, particularly those related to project feasibility and long-term acceptance. Such an omission would be inconsistent with PPB Rule §3-03 and with the City's obligation to select the proposer offering the best value and highest likelihood of successful implementation.

Protesters therefore request disclosure of all evaluator notes, design-review assessments, and scoring materials related to design consistency, community compatibility, and alignment with NYC standards, and reserve the right to amend this protest upon receipt of such information.

IX. Failure to Engage the City's Pilot Operator and Primary Source of Operational Data

The RFP repeatedly emphasized the importance of proven operational experience, familiarity with New York City's conditions, and methodologies grounded in real-world testing. Protesters were uniquely positioned to provide this expertise, having served as the City's pilot operator for secure bicycle parking and having delivered the only fully operational deployments of such facilities within the New York metropolitan region. Despite this, NYCDOT did not engage Protesters during the clarification or interview stages, nor did it seek to understand or validate the extensive empirical data generated through these pilot deployments.

As the operator of the NYCDOT's own secure bike parking demonstration pilot in 2022, Protesters produced the only documented usage data, operational metrics, maintenance records, user-behavior insights, and performance observations available to NYCDOT prior to issuing the RFP. Protesters also authored the Secure Bike Parking Pilot Report, a document requested and repeatedly followed up on by DOT staff, which provided the analytical foundation for many of the policy conclusions later cited by NYCDOT. This report directly informed the City's understanding of demand patterns, siting challenges, operational requirements, and equity considerations. It became, in effect, the empirical framework upon which the RFP was built.

Failure to engage the pilot operator in the clarification process, or to ask any questions regarding the underlying data and documented operational experience, represents a significant gap in the evaluation process. No other proposer had equivalent access to, or responsibility for, piloting secure bicycle parking in New York City. By overlooking the insights of the only entity with demonstrated local operational results and the only entity to have produced a complete policy and performance framework for the City, NYCDOT failed to consider information directly relevant to both the Relevant Experience (50%) and Approach (23%) scoring categories.

If evaluators instead relied on hypothetical models, untested assumptions, or non-New York City contexts without grounding their analysis in the pilot data that DOT itself requested and used, this would constitute a failure to consider essential and available information, rendering the evaluation arbitrary and capricious under PPB Rule §3-03.

Protesters therefore request disclosure of all evaluator notes, scoring materials, and internal communications concerning the secure bike parking pilot, its findings, and how, if at all, it informed the scoring of any proposer. Protesters reserve the right to amend this protest upon receipt of such information.

X. Irregular Submission Timeline Suggesting Inadequate Procurement Planning and Evaluation Readiness

Although Protesters ultimately submitted a comprehensive, multi-partner, and highly detailed proposal, the procurement timeline itself exhibited significant irregularities that bear directly on the integrity of the evaluation process. NYCDOT initially established an approximately one-month response window for a solicitation requiring extensive architectural materials, design proposals, operational plans, financial models, and multi-entity coordination.

The Department subsequently issued four separate deadline extensions in short succession, ultimately expanding the submission window to roughly three months, but in a manner that reflected incremental adjustments rather than a single, transparent, well-scoped extension.

Rolling extensions of this kind are widely recognized in procurement administration as indicators of insufficient internal readiness or incomplete planning. Properly scoped procurements, particularly those involving citywide, multi-year infrastructure and operations, typically begin with realistic timelines aligned to the complexity of the work. Here, the pattern of successive short extensions suggests that NYCDOT may not have fully understood the scale of the technical, design, and operational materials it was requesting, nor adequately prepared its evaluation team to review proposals of this magnitude.

While these irregularities did not negatively affect the quality of Protesters' submission, they raise legitimate concerns about NYCDOT's readiness to conduct a meaningful, consistent, and fair evaluation. This concern is reinforced by the Department's lack of clarifications, absence of interviews, failure to respond to Protesters' communications, and failure to issue a debrief or non-selection letter, suggesting that the evaluation process may not have been sufficiently structured or resourced to assess complex proposals on equal footing.

These issues, when viewed collectively, constitute a procedural defect under PPB Rule §3-03, as they call into question whether NYCDOT's evaluation process was adequately aligned with its own stated objectives for a world-class secure bike parking program and whether all proposers received a fair and thorough review.

XI. Potential Prejudice Against Longstanding Public Advocate

Protesters note respectfully that Oonee and its CEO, Shabazz Stuart, have served for nearly a decade as the City's most visible and outspoken advocates for secure bicycle parking. Throughout this period, Mr. Stuart has repeatedly advanced the public conversation around secure bicycle parking, testified before the City Council, worked directly with multiple agencies, and publicly challenged DOT to accelerate progress and adopt international best practices. Oonee's leadership role and its willingness to speak candidly about delays and policy gaps has been widely acknowledged in policy circles, in the press, and among local and national transportation advocates.

Within this context, Protesters are concerned that the complete lack of engagement with Oonee during the interview and clarification process may create the appearance that Oonee's longstanding advocacy and/or its history of publicly challenging the agency unintentionally influenced the evaluation process. Protesters emphasize that procurement law prohibits not only actual bias but also the appearance of prejudice, disfavor, or unequal treatment under PPB Rule §3-03.

Despite being:

- the City's pilot operator
- the provider of the only locally validated operational dataset
- the author of the policy framework directly requested by DOT, and
- the only proposer with deployments in the New York metropolitan region

Oonee and Mr. Stuart received no interview, no clarifying questions, and no substantive engagement of any kind, while it appears that other proposers were given those opportunities.

This concern is heightened by the fact that multiple communications sent through PASSPort and via email including formal requests for a debrief have gone unanswered. The purpose of a debrief is to promote transparency, ensure clarity regarding the evaluation, and allow the proposer to understand how the RFP criteria were applied. The lack of any response, despite repeated attempts to engage through the official procurement portal and via direct correspondence to the designated agency contact, contributes to an overall appearance of unequal treatment.

Protesters do not allege intentional misconduct. Rather, the combination of (a) Oonee's central role in shaping this policy area, (b) its history as the City's pilot operator, (c) its longstanding public advocacy, and (d) the agency's total non-engagement, raises legitimate concerns about whether the evaluation process may have been influenced, even unintentionally, by preexisting perceptions of Oonee or its CEO.

At a minimum, these circumstances create a reasonable appearance of prejudice, which procurement law requires agencies to avoid.

This appearance is amplified by the fact that Protesters' extensive, locally validated experience is directly responsive to the RFP's highest-weighted criteria. The lack of any substantive agency engagement with the proposer best positioned to explain the operational and policy realities of the program

further undermines confidence in the fairness and completeness of the evaluation.

Protesters therefore request disclosure of all evaluator notes, internal communications, and clarification records reflecting how proposers were engaged during the evaluation process, and reserve the right to amend this protest upon receipt of such information.

XII. Failure to Properly Consider the Thoroughness and Customization of Protesters' Proposal

The RFP encouraged proposers to submit detailed, fully developed design and operational concepts aligned with New York City's standards, user needs, and site-specific constraints. Protesters' submission responded directly to this requirement and, in multiple respects, went beyond the minimum specifications outlined in the RFP. The Protesters' submission was among the most comprehensive received in any comparable DOT procurement, including a comprehensive Design Proposal with custom renderings, alternative design options tailored for different NYC, technical justification of RFP design requirements, and detailed case studies of NYC-specific deployments.

The Design Proposal in particular reflected significant investment and professional rigor, including bespoke architectural visualizations, multiple design pathways for DOT's consideration, and detailed integration strategies for a range of neighborhood conditions. Protesters also included option sets and variations to give NYCDOT flexibility in how the system might evolve which is precisely the kind of iterative, context-sensitive design process the City frequently requires for public-realm installations.

Industry experts who have reviewed the submitted materials have described the proposal as thorough, competitive, and reflective of top-tier technical work, noting that the level of detail exceeded what is typically submitted in city procurements of this type. Given both the comprehensiveness and the alignment of the proposal with the RFP's stated priorities particularly in design quality, operational feasibility, local experience, and scalability, Protesters would reasonably have expected to receive an interview or follow-up questions, especially where certain clarifications might have assisted the evaluators in fully understanding the depth of the submission.

If NYCDOT did not consider these detailed design and technical materials appropriately, or if evaluators instead favored significantly less developed proposals without comparable customization or technical rigor, the resulting

scoring may reflect a misapplication of the RFP criteria. Failure to engage substantively with such a comprehensive submission, particularly when the RFP emphasized design quality, best practices, and scalability, raises concerns about whether the evaluation process fully and accurately assessed the relative strengths of each proposal.

Protesters therefore request disclosure of evaluator notes, design scoring sheets, and documentation reflecting how the City assessed the comprehensiveness, customization, and technical depth of the Protesters' proposal.

XIII. Documented Lack of Engagement, Failure to Respond to Vendor Communications, and Unequal Access to Clarification Opportunities

Protesters submitted multiple timely communications to NYCDOT during the evaluation period, including emails dated December 4, 2024 and January 23, 2025 to the Authorized Agency Contact Person, as well as messages sent through PASSPort on February 11, 2025, March 25, 2025, and October 27, 2025. These inquiries sought routine status updates, offered to answer clarifying questions, and requested guidance regarding the evaluation timeline.

The record shows that NYCDOT opened several of these communications but did not respond to any of them. No clarifications were requested, no interviews were scheduled, and no follow-up occurred despite Protesters' documented willingness to provide additional information. Copies of these correspondence records are included as Exhibit A

This pattern of non-engagement stands in sharp contrast to standard procurement practice for complex, multi-year programs, where clarification exchanges and interviews are commonly used to ensure evaluators fully understand the submitted proposals. It also appears inconsistent with the experience of other proposers who, based on statements from industry sources and advocates, were provided interviews or clarification opportunities.

This failure to engage Protesters despite Protesters' repeated offers to provide additional information constitutes a procedural irregularity and creates the appearance of unequal treatment, in violation of PPB Rule §3-03(g), which requires agencies to conduct evaluations fairly and consistently across all proposers.

Moreover, where agencies decline to seek clarifications but subsequently rely on alleged deficiencies to justify non-selection, such decisions are considered arbitrary and capricious under established Article 78 case law. The lack of response here materially prejudiced Protesters by denying them the opportunity to address any perceived ambiguities or cost questions, despite their overt willingness to do so.

XIV. Incomplete Administrative Record: Failure to Provide Debriefing, Determination Letter, and Excessive Delay in FOIL Compliance

Protesters have not received a debriefing, a formal non-selection determination letter, nor any explanation of scoring or evaluation findings, despite submitting formal requests through PASSPort on December 4, 2025 and again thereafter. NYCDOT has additionally stated that responses to Protesters' FOIL request (FOIL-2025-841-06997) seeking routine evaluation materials including scoring sheets, reviewer notes, and clarification records will not be provided until on or about June 4, 2026, more than six months after the award announcement.

The absence of a debrief and the failure to issue a non-selection letter are significant procedural omissions for a procurement of this scale. These omissions limit Protesters' ability to understand the basis of the award, to assess whether evaluation criteria were consistently applied, and to determine whether errors or irregularities occurred.

Moreover, a six-month FOIL delay for documents that ordinarily form part of the evaluation record raises concerns about whether the administrative file is complete, organized, or consistent with the timelines required by PPB Rule §3-03. This delay materially prejudices Protesters by obstructing their ability to formulate a fully informed protest and by preventing timely assessment of the evaluation materials that would ordinarily accompany an award of this magnitude.

These deficiencies further reinforce the need for corrective action and independent review to ensure that the procurement was conducted in accordance with applicable rules and principles of administrative fairness.

C. Remedies

Protesters respectfully request that NYCDOT adopt corrective measures capable of restoring fairness, transparency, and public confidence in this procurement, consistent with the best interests of the City and the public. The City is undertaking

a historic initiative that will shape cycling infrastructure across the five boroughs and serve as a national model. A procurement process marked by material irregularities undermines the effectiveness, legitimacy, and long-term success of this program.

Protesters further state that they do not seek to impede or delay the launch of the City's secure bicycle parking initiative.

Protesters respectfully request that NYCDOT consider initiating a negotiated corrective action plan to address the procedural deficiencies identified in this protest. A plan may include reopening clarifications and interviews, reevaluating relevant technical criteria, and facilitating voluntary discussions among proposers to determine whether integrated or collaborative delivery structures would better advance the City's stated objectives for a world-class secure bike parking system

Protesters expressly reserve all rights to pursue additional administrative remedies, including review by the Comptroller pursuant to Charter §328, and judicial review under Article 78 of the CPLR, should the agency decline to take corrective action.

D. SIGNATURE

Sincerely,

Shabazz Stuart

Founder and CEO, Modular Streetscape Systems Inc. d/b/a Oonee

A handwritten signature in black ink, appearing to be "Shabazz Stuart", written in a cursive, flowing style.

Submitted on behalf of Oonee as lead proposer and authorized representative of Cyclehoop US LLC

Exhibit A: Summary of Vendor Communications and Agency Non-Response

Exhibit A contains contemporaneous screenshots of Protesters' communications with NYCDOT during and after the RFP evaluation period. These materials include:

1. Emails sent to the Authorized Agency Contact Person on December 4, 2024, January 23, 2025, and subsequent dates;
2. PASSPort messages submitted on February 11, 2025, March 25, 2025, October 27, 2025, and later;
3. Formal requests for a debriefing and for a letter of non-selection, both of which remain unanswered; and
4. Follow-up inquiries seeking clarification on status and next steps.

All communications in this exhibit are polite, professional, and consistent with reasonable vendor conduct in a complex procurement. The screenshots also show that multiple messages were opened by NYCDOT staff but did not receive any response.

The absence of replies, particularly to requests for a debriefing and a non-selection determination, demonstrates a documented pattern of agency non-engagement, which is materially relevant to Protesters' claims of:

- Unequal treatment under PPB Rule §3-03;
- Failure to conduct clarifications or interviews, despite Protesters' repeated invitations to provide additional information;
- Procedural irregularities that impeded Protesters' ability to participate fully and fairly in the evaluation; and
- Incomplete administrative record, given that neither a debrief nor a formal determination has been provided.

The materials contained in Exhibit A are unaltered and accurately reflect the communication history maintained in PASSPort and email systems.

(screenshots on the following page)



RFP 84124P0005-84124MBTP632 Secure Bike Parking - 4 (Responses Received)

Bid due date has passed

Response Activity

Keywords

Search Reset Advanced search

Compose Message History

Subject		Last update (Your Local Time)	Original sender	Last sender
Debrief Request 2	0 / 1	12/10/2025 10:49:22 AM	Shibazz STUART (MODULAR STREETSCAPE SYSTEMS INC)	Shibazz STUART (MODULAR STREETSCAPE SYSTEMS INC)
Award Protest - RFP 84124P0005-84124MBTP632 Secure Bike Parking	0 / 1	12/9/2025 10:30:50 PM	Shibazz STUART (MODULAR STREETSCAPE SYSTEMS INC)	Shibazz STUART (MODULAR STREETSCAPE SYSTEMS INC)
Agency Debrief	0 / 1	12/4/2025 9:57:08 AM	Shibazz STUART (MODULAR STREETSCAPE SYSTEMS INC)	Shibazz STUART (MODULAR STREETSCAPE SYSTEMS INC)
Notice of Non-Selection	0 / 1	12/3/2025 10:05:44 AM	Shibazz STUART (MODULAR STREETSCAPE SYSTEMS INC)	Shibazz STUART (MODULAR STREETSCAPE SYSTEMS INC)
Following up on Timeline	0 / 1	10/27/2025 10:59:33 AM	Shibazz STUART (MODULAR STREETSCAPE SYSTEMS INC)	Shibazz STUART (MODULAR STREETSCAPE SYSTEMS INC)
Additional Revenue Opportunities and Cost Savings	0 / 1	9/25/2025 2:57:27 PM	Shibazz STUART (MODULAR STREETSCAPE SYSTEMS INC)	Shibazz STUART (MODULAR STREETSCAPE SYSTEMS INC)
Following up	0 / 1	1/15/2025 11:27:34 AM	Shibazz STUART (MODULAR STREETSCAPE SYSTEMS INC)	Shibazz STUART (MODULAR STREETSCAPE SYSTEMS INC)
Following up on Timeline and Process	0 / 1	12/16/2024 7:55:47 PM	Shibazz STUART (MODULAR STREETSCAPE SYSTEMS INC)	Shibazz STUART (MODULAR STREETSCAPE SYSTEMS INC)
Schedule B Waiver Request	0 / 17	7/29/2024 10:58:09 AM	Shibazz STUART (MODULAR STREETSCAPE SYSTEMS INC)	Shibazz STUART (MODULAR STREETSCAPE SYSTEMS INC)
Joint Venture Forms	0 / 3	7/26/2024 10:43:22 AM	Shibazz STUART (MODULAR STREETSCAPE SYSTEMS INC)	Kathy CORNWALL-WILSON

10 Results

Notice of Non-Selection

From: Stuart Shibazz Created On: 12/3/2025 10:05:44 AM

Agency Contact

Good morning.

Please share an official notice of non-award for 84124P0005-84124MBTP632 Secure Bike Parking. We have been informed via an NYCDOT press release that our bid was not selected but have not received an official notice from the agency.

Above: The DOT has not responded to our PASSPort communications during the evaluation period or our repeated requests for a debrief and a letter of non-selection. The Agency also ignored

Checking in regarding NYCDOT Secure Bike Parking RFP

Hit to summarize

Me to Kathy & Yosef

12/4/2024

Hi Kathy,

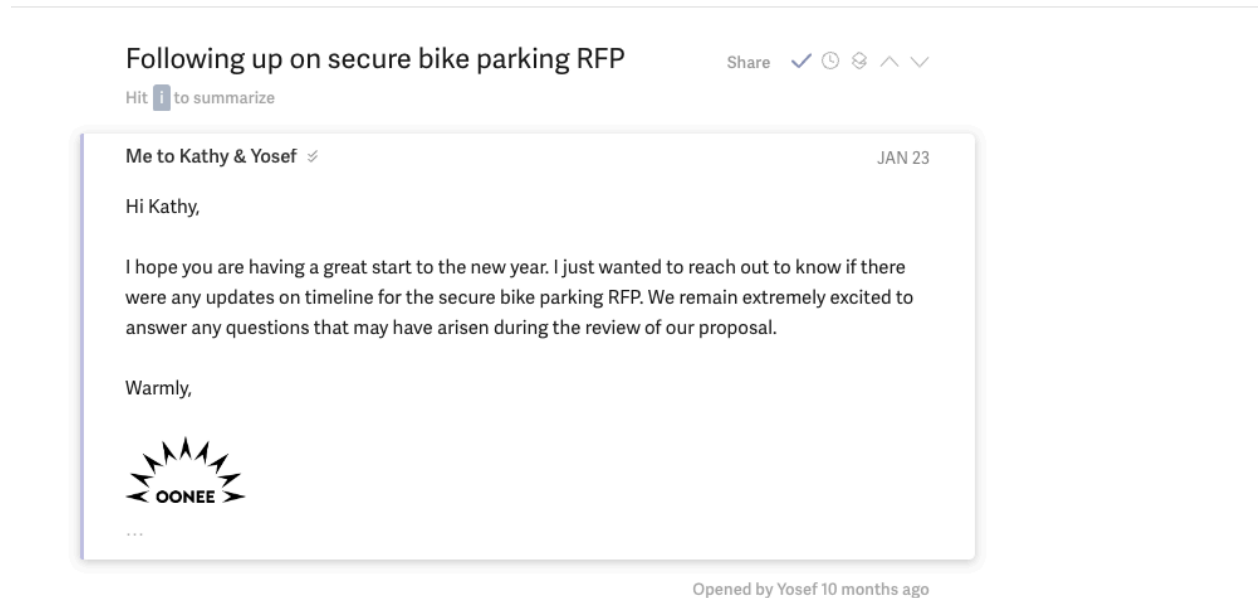
I hope you and your family had a great Thanksgiving. I wanted to circle back with you to see if there was any update regarding the NYCDOT RFP for Secure Bike Parking. I understand that there the evaluation committee is still working so just wanted to inquire as to if there were any clarification questions for our group or if there was additional information that we could provide.

We remain extremely excited about this project and hope to engage the agency further about our proposal.

Share

Opened by Yosef 1 year ago

Above: The Proposer attempted to reach the Agency via e-mail, having not received a response on PASSPort and that was also ignored.



Above: The proposer made repeated attempts to contact the Agency via both e-mail and PASSPort in a respectful, professional manner. These went unanswered.