

Katrina Martinez
Deputy Clerk

Pima County Clerk of the Board

Melissa Manriquez

Administration Division
33 N. Stone Avenue, Suite 100
Tucson, AZ 85701
Phone: (520) 724-8449 • Fax: (520) 222-0448

Management of Information & Records Division
1640 East Benson Highway
Tucson, Arizona 85714
Phone: (520) 351-8454 • Fax: (520) 791-6666

Via Email: nicofalcone8@gmail.com

April 10, 2025

Falcone Brothers & Associates, Inc.
Attn: Tom Falcone, President
15885 N. Equestrian Trail
Tucson, AZ 85739

RE: Appeal of the Pima County Procurement Director's decision regarding Solicitation
No. IFB-2400006782 – El Vado Road Storm Drain (5ELVSS)

Dear Mr. Falcone:

In accordance with Pima County Code 11.20.010(H), please be advised that we are in receipt of your request to appeal the decision of the Procurement Director in the aforementioned matter. A hearing has been scheduled before the Pima County Board of Supervisors on Tuesday, April 15, 2025, at 9:00 a.m. or thereafter, at the following location:

Pima County Administration Building
Board of Supervisors Hearing Room
130 West Congress, 1st Floor
Tucson, AZ 85701

If you have any questions concerning this hearing, please contact this office at 724-8449.

Sincerely,

A handwritten signature in black ink, appearing to read "Melissa Manriquez", is written over a horizontal line.

Melissa Manriquez
Clerk of the Board

c: Pima County Board of Supervisors
Jan Leshner, County Administrator
Sam E. Brown, Chief Civil Deputy County Attorney
Bruce Collins, Procurement Director
Eric Shepp, Regional Flood Control District Director
Scott Loomis, Design & Construction Division Manager



FBAI Falcone Brothers & Associates, Inc.

15885 N Equestrian Trail • Tucson, AZ 85739 • "A" Lic. 143810

Nico Mobile: (520) 780-1622 • Tom Mobile: (520) 780-2385 • Anthony Mobile: (520) 780-2387

April 10, 2025

Attn. Melissa Manriquez
County Clerk
Pima County Procurement Department
150 W. Congress, 5th Floor
Tucson, AZ 85701
Ref: El Vado Rd Storm Drain (5ELVSS) Project Protest

Dear, Mrs. Manriquez,

Falcone Bros & Associates Inc, is protesting the award of the El Vado Rd Storm Drain project. The grounds for this protest are that FBAI feels that this bid is unbalanced, based on the Engineers Estimate and compared to the other bidders bid tabulations. In particular on the base bid the difference between the engineer's estimate of \$1,902,810.00 and Jud Co LLC bid of \$1,260,120.00 is immensely lower at over 33% (\$642,690.00). Another line item that FBAI feels is unbalanced and wanted to bring to the County's attention was the traffic control item #7010005, the engineers estimate for this particular item was \$90,000.00 and Jud Co LLC bid was only \$35,000.00 which is over 250% lower than the engineers estimate, this item is a critical item to the project and the safety to the public. Even as a local contractor FBAI would not be able to complete this project at the price bid by Jud Co LLC which is also due to the fact that the wages for this project have more than doubled from previous bid jobs with prevailing wages. As a Pima County tax payer we feel that this is a big liability for the county. FBAI hereby requests the county deem Jud Co LLC unresponsive due to unbalanced bid.

Sincerely Yours,

Falcone Brothers & Associates, Inc.

Tom Falcone
Tom Falcone, President



Via Email: nicofalcone8@gmail.com

April 4, 2025

Mr. Tom Falcone
Falcone Brothers & Associates, Inc.
15885 N. Equestrian Trail
Tucson, AZ 85739

RE: Protest – Award for Solicitation No. IFB-2400006782 El Vlado Road Storm Drain (5ELVSS)

Dear Mr. Falcone,

On March 28, 2025, the Pima County Procurement Department (“Procurement”) received a protest from Falcone Brothers & Associates, Inc. (“FBAI”) regarding the Notice of Recommendation for Award of Solicitation No. IFB-2400006782 for the El Vlado Road Storm Drain (5ELVSS) project issued March 26, 2025, which recommended Jud Co, LLC (“Jud Co”) as the Awardee.

You assert that the basis for your Protest is that “FBAI feels that this bid is unbalanced based on the Engineer’s Estimate and compared to the other bidders bid tabulations.” In particular, you cite the difference between the engineer’s estimate of \$1,902,810.00 and Jud Co’s bid of \$1,260,120.00 for the base bid.

Additionally, you state that the traffic control item #7010005 is unbalanced, based on Jud Co’s bid of \$35,000.00 versus the engineer’s estimate of \$90,000.00 and that this is a critical item to the project and the safety of the public.

You request that Procurement deem Jud Co unresponsive due to an unbalanced bid and award to the next responsive bidder.

After carefully reviewing your protest and evaluation of the bids, I offer the following response:

The County understands the importance of ensuring that bids are fair and competitive and reflect the true cost of completing the project in a manner that meets all required safety standards and specifications. The bid package, excluding allowances, contained 49 line items and 33, or approximately 67% were priced lower than the engineer’s estimate. This indicates that Jud Co’s bid is consistent with the competitive nature of this bid process.

The County recognizes that Jud Co’s bid for traffic control item #7010005 was 61% lower than the engineer’s estimate, and that the bids received varied from as high as 33% over the estimate to as low as 61% below, with the next low for that item at 45% below the estimate.

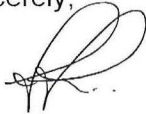
Mr. Tom Falcone
Falcone Brothers & Associates, Inc.
April 4, 2025
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The County does not have a reasonable doubt that Jud Co's bid would result in the lowest overall cost to County. Jud Co has confirmed that they understand all requirements of the bid package and are willing and able to complete the project for the price bid.

After thorough examination of the bids, I can confirm that all responses were evaluated in accordance with Pima County's procurement rules and regulations and Jud Co's bid is not unbalanced based on Section 14 *Unbalanced Bids* in the Instructions to Bidders. Therefore, in accordance with Pima County Procurement Code 11.20.010(F), I have determined that your protest is without merit. As such, your Protest is hereby dismissed.

This decision may be appealed to the Board of Supervisors by filing an appeal with the Clerk of the Board within 5 business days of the date of this written decision pursuant to Pima County Procurement Code Section 11.20.010.H. If you file an appeal with the Board of Supervisors, the Board will consider the protest at a regularly scheduled meeting within 30 days of this decision. The Board may, with or without a hearing, either accept the decision or determine an appropriate remedy.

Sincerely,

A handwritten signature in black ink, appearing to be 'S. Loomis', written over a horizontal line.

Scott Loomis
Acting Procurement Director

C: Bruce Collins, Procurement Director
Eric Shepp, Regional Flood Control District Director
Dawn Dargan, Procurement Officer
Janis Gallego, Deputy County Attorney
Interested Parties



FBAI Falcone Brothers & Associates, Inc.

15885 N Equestrian Trail • Tucson, AZ 85739 • "A" Lic. 143810

Nico Mobile: (520) 780-1622 • Tom Mobile: (520) 780-2385 • Anthony Mobile: (520) 780-2387

March 27, 2025

Attn. Bruce Collins
Procurement Director
Pima County Procurement Department
150 W. Congress, 5th Floor
Tucson, AZ 85701
Ref: El Vado Rd Storm Drain (5ELVSS) Project Protest

Dear, Mr. Collins

Falcone Bros & Associates Inc, is protesting the award of the El Vado Rd Storm Drain project. The grounds for this protest are that FBAI feels that this bid is unbalanced, based on the Engineers Estimate and compared to the other bidders bid tabulations. In particular on the base bid the difference between the engineer's estimate of \$1,902,810.00 and Jud Co LLC bid of \$1,260,120.00 is immensely lower at over 33% (\$642,861.00). Another line item that FBAI feels is unbalanced and wanted to bring to the County's attention was the traffic control item #7010005, the engineers estimate for this particular item was \$90,000.00 and Jud Co LLC bid was only \$35,000.00 which is over 250% lower than the engineers estimate, this item is a critical item to the project and the safety to the public. Even as a local contractor FBAI would not be able to complete this project at the price bid by Jud Co LLC. As a Pima County tax payer we feel that this is a big liability for the county. FBAI hereby requests the county deem Jud Co LLC unresponsive due to unbalanced bid and award to the next responsive bidder.

Sincerely Yours,

Falcone Brothers & Associates, Inc.

Tom Falcone

Tom Falcone, President