



Katrina Martinez
Deputy Clerk

Pima County Clerk of the Board

Melissa Manriquez

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Via Email: chris@tucsonwin.com

June 6, 2025

Tucson Winsupply
Attn: Chris Allen, President/Owner
2625 N. Huachuca Dr.
Tucson, AZ 85745

RE: Appeal of the Pima County Procurement Director's decision regarding Solicitation No. IFB-2500005800 – Plumbing Fixtures, Pipe and Fittings, Equipment and Supplies

Dear Mr. Allen:

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, June 17, 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
Janis Gallego, Deputy County Attorney
Bruce Collins, Procurement Director
Tony Cisneros, Facilities Management Director
Ana Wilber, Procurement Division Manager



Appeal for Award for Solicitation No. IFB-2500005800 Plumbing Fixtures, Pipe and Fittings, Equipment and Supplies

May 19, 2025

Chris Allen
President/Owner Tucson Winsupply
Phone: 520-624-8547
Email: chris@tucsonwin.com

Dear Board of Supervisors,

Tucson Winsupply is formally appealing the decision of award for the above referenced solicitation. Tucson Winsupply's bid was rejected due to non-compliance.

It was Tucson Winsupply's understanding that a fair and open competition be available for this solicitation. However, it is our stance that this is not the case. It was stated in response to our protest that Nupi has confirmed two authorized dealers in AZ. This is accurate. However, the only other authorized dealer besides Ferguson in Tucson is a Winsupply in Phoenix. This Winsupply is not in our market and was not able to bid on the solicitation. Per the requirements the supplier must have a brick and mortar in the market.

It is true that we have supplied this product for the past five years to Pima county. However, Ferguson put a stop to that by contacting the manufacturer and ensuring no Nupi product could be sold by Tucson Winsupply. We have sourced this product for the entire duration of our previous contract through our Winsupply network. We are letting millions of dollars and the next five years of purchasing be determined by eleven line items of this solicitation. These eleven line items will be used on two projects.

As the solicitation is written and stands with the inclusion of Nupi products the only supplier that can and will qualify to win this and any further solicitations is Ferguson in Tucson. Being the only authorized dealer makes any future solicitation null and void as Ferguson can be the only supplier to win the solicitation. They are the only authorized

IFB-2500005800
Ferguson
@



reseller with a brick and mortar location in the market. Nupi will not open anyone else in the market up to purchase their products.

How can Tucson Winsupply's bid be deemed non-compliant? This problem did not arise until the solicitation was awarded and Ferguson went to Nupi to complain. When the bid was submitted, we had no issues with obtaining the product and no warranties were affected. Because Ferguson complained to the manufacturer, we now have these issues. Ferguson used a manufacturer to block all competition now and in the future. This is not a fair and open solicitation.

I respectfully ask you to consider the above and cancel the current solicitation to re-evaluate a truly fair and open solicitation. I have suggested removing the Nupi products and creating a separate solicitation for Fusion Plumbing Material that allows for substitutions. Fusion plumbing material is not ordinary plumbing supplies. It is a specialty product.

I ask you if Ferguson is the only supplier in the market who is an authorized dealer then how can any other competition win the solicitation? Is and was this solicitation truly open and fair to all competition?

Respectfully,

A handwritten signature in black ink, appearing to read "Chris Allen". The signature is written in a cursive, flowing style.

Chris Allen

President/Owner Tucson Winsupply



Via Email: chris@tucsonwin.com

May 19, 2025

Mr. Chris Allen, President/Owner
Tucson Winsupply
2625 N Huachuca Dr
Tucson, AZ 85745

RE: Protest – Award for Solicitation No. IFB-2500005800 Plumbing Fixtures, Pipe and Fittings, Equipment and Supplies

Dear Mr. Allen,

On May 13, 2025, the Pima County Procurement Department ("Procurement") received a protest from Tucson Winsupply ("Winsupply") regarding the Procurement Director's response to a protest filed by Ferguson Enterprises LLC ("Ferguson"). Ferguson claimed that Winsupply was not an authorized Nupi distributor for line items 443-454 in the referenced solicitation, resulting in Winsupply being deemed non-responsive and the contract being awarded to Ferguson.

In your protest, you assert that Winsupply has routinely sourced and supplied these products to the County for the past 5 years without issue. You explain that while you have regularly sold Nupi products, the manufacturer has recently declined your attempt to become a stocking distributor, and you are not an "authorized distributor."

You further request that the County remove the disputed line items from the solicitation and the procurement process and award the contract to Winsupply. Additionally, you request a re-evaluation of all Nupi products to ensure fair and open competition. You contend that the limited availability of Nupi products creates a monopoly for Ferguson, as it is the only vendor in Tucson with direct access to Nupi, enabling it to control pricing for future solicitations. As Nupi products are specialized plumbing materials distinct from general plumbing supplies, you propose that a separate solicitation for "Specialty Plumbing Materials" be created, allowing for substitutions.

After a thorough review of your protest, I offer the following response:

Your bid was rejected due to non-compliance, as you were unable to provide Nupi products or the required warranties, as acknowledged in your protest. Furthermore, the manufacturer has confirmed that there are two authorized Nupi distributors in Arizona, which refutes the claim of a monopoly. Therefore, Ferguson is not the only vendor capable of providing the Nupi products in question.

In accordance with Pima County Code 11.20.010(F), I have determined your protest lacks merit and, accordingly, it is hereby dismissed.

Bruce D. Collins, Director

150 W Congress Street, 5th Floor • Tucson, AZ 85701-1207 • Main: 520-724-8161 • Fax: 520-724-3646

www.pima.gov

Mr. Chris Allen
Tucson Winsupply
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This decision may be appealed to the Pima County Board of Supervisors by filing a written appeal with the Clerk of the Board within five (5) business days of this decision, as provided by Procurement Code §11.20.010(H). If an appeal is filed, the Board will review the matter at a regularly scheduled meeting within 30 days. The Board may uphold this decision or determine an appropriate remedy.

Sincerely,

Bruce D Collins

Bruce D. Collins, CPPO
Procurement Director

C: Tony Cisneros, Facilities Management Director
Eric Bohorquez, Procurement Officer
Janis Gallego, Deputy County Attorney
Interested Parties