



Julie Castañeda  
Deputy Clerk

# Pima County Clerk of the Board

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Tucson, AZ 85701  
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Tucson, Arizona 85714  
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March 22, 2017

Scott R. Weekley  
Vice President and General Manager  
Teledyne Tekmar  
4736 Socialville Foster Road  
Mason, OH 45040

RE: Appeal of the Pima County Procurement Director's decision regarding Solicitation No. 248001 for TOC Organic Analyzer with Auto Sampler

Dear Mr. Weekley:

In accordance with Pima County Code 11.20.010(J), 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 4, 2017, 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 "Julie Castañeda".

Julie Castañeda  
Clerk of the Board

c: Mary Jo Furphy, Procurement Director  
Ana Wilber, Materials & Services Division Manager

SENT VIA CERTIFIED MAIL 7002 1000 0004 8059 0347  
AND FEDEX AIRBILL 778703578110

March 21, 2017

Pima County  
Julie Castaneda, Clerk of the Board  
Administrative Division  
130 W. Congress, 5<sup>th</sup> Floor  
Tucson, Arizona 85701  
Telephone: (520) 724-8449

RE: Appeal of Protest Decision, RFQ No. 248001 for TOC Organic Analyzer with Auto Sampler

Dear Julie Castaneda:


In accordance with Pima County Procurement Code, Section 11.20.010.H, please find this letter as Teledyne Tekmar's request to appeal the decision made by the Procurement Director, Mary Jo Furphy, regarding Teledyne Tekmar's protest of the above referenced bid award to OI Corporation (a.k.a. OI Analytical, a xylem brand). Please see the enclosed letter from the Procurement Director dated March 17, 2017 and Teledyne Tekmar's Protest Filing Letter dated March 16, 2017.

The Procurement Director's letter states that Teledyne Tekmar's protest was denied because the protest was considered untimely since it was made after the contract award. The protest was filed within five (5) days after the bidder (Teledyne Tekmar) knew of the award decision. Teledyne Tekmar only received notification of the award decision in an email dated March 14, 2017 and then filed a protest with the Procurement Director on March 16, 2017. Prior to Teledyne Tekmar's March 14, 2017 email request for the bid status, there was no notification made to bidders of the award decision, and there was no posting of the decision on the County's Procurement website. A copy of the March 14, 2017 email is enclosed.

Due to the lack of timely award notification from the County we are asking the County to re-consider the decision for the above referenced RFQ, and either allow Teledyne Tekmar to protest the award decision or allow Teledyne Tekmar's bid submittal to be reviewed once more in light of this information provided in the March 16, 2017 protest document.

If you have any questions regarding this matter, please do not hesitate to contact me at +1 (513) 229-7095. Thank you for your time and consideration in advance.

Sincerely,

  
\_\_\_\_\_  
Scott R. Weekley

Vice President and General Manager  
Teledyne Tekmar, a business unit of Teledyne Instruments, Inc.

Enclosures: Teledyne Tekmar protest letter dated March 16, 2017; Pima County Procurement letter dated March 17, 2016; Teledyne Tekmar email dated March 14, 2017

MAR 22 17 09 09 P C O K D E M  
AFS



**TELEDYNE TEKMAR**  
Everywhere you look™

4736 Socialville Foster Road  
Mason, Ohio 45040  
P: 800-874-2004  
www.tekmar.com

SENT VIA EMAIL PIMA COUNTY WEBSITE ([HTTPS://WEBCMS.PIMA.GOV](https://webcms.pima.gov))

March 16, 2017

Pima County Procurement  
Mary Jo Furphy, Director of Procurement  
130 W. Congress  
Tucson, Arizona 85701  
Telephone: (520) 724-8198

RE: Protest Filing, Award Decision, RFQ No. 248001 for TOC Organic Analyzer with Auto Sampler

Dear Mary Jo Furphy:

In accordance with Pima County Procurement Code, Section 11.20.010, please find this letter as Teledyne Tekmar's request to protest the above referenced bid award to OI Corporation (a.k.a. OI Analytical, a xylem brand), which was brought to our attention on March 13, 2017.

While we understand that the above referenced RFQ notes on the first page that "a purchase order shall be issued to the low bidder", but since bid Specifications are incorporated as Exhibit A and included with this bid, it is our understanding that the lowest bidder must also meet the included bid Specifications.

The County has issued an award to OI Corporation, who may be the lowest bidder, but based on published specifications by OI Corporation, the TOC Analyzer instrument that they carry does not meet the County's Specifications in the above referenced RFQ. Specifically, OI Corporation cannot meet the County's Specifications (Exhibit A) under Section 1, Items No. 1 and No. 3, pasted below:

1. "The Analyzer must be a TOC Fusion UV Persulfate TOC Analyzer (115V) with a PC/Network Driven System that supports Operating System 8 but preferably 10."
3. "Analyzer must have integrated Auto sampler with septum piercing needle and an auto sampler tray that has space for both samples and stock solutions."

OI Corporation does not and cannot provide the Fusion TOC (only available from Teledyne Tekmar) and they do not offer an autosampler that includes positions for both samples and stock solutions. The Fusion autosampler offers stock solutions because it provides automation that builds working standards from stock solutions. The OI Analytical system does not offer this automation feature which reduces labor requirements in the laboratory and lowers overall labor costs.

Please advise if the County will re-consider their award decision for the above referenced RFQ, and allow Teledyne Tekmar's bid submittal to be reviewed once more in light of this information provided.

If you have any questions regarding this matter, please do not hesitate to contact me at +1 (513) 229-7095. Thank you for your time and consideration in advance.

Sincerely,

Scott R. Weekley  
Vice President and General Manager

Teledyne Tekmar, a business unit of Teledyne Instruments, Inc.



**PIMA COUNTY PROCUREMENT DEPARTMENT**  
130 W. CONGRESS ST., 3RD FLOOR, TUCSON, AZ 85701-1207  
PHONE: (520) 724-8161 FAX: (520) 222-1484

Mary Jo Furphy  
Procurement Director

Via Email: [mary.nikaido@teledyne.com](mailto:mary.nikaido@teledyne.com)

March 17, 2017

Scott R. Weekley, Vice President and General Manager  
Teledyne Tekmar  
4736 Socialville Foster Rd  
Mason, OH 45040

RE: Protest of Award  
Solicitation No. 248001 TOC Organic Analyzer with & Auto Sampler

Dear Mr. Weekley,

On March 16, 2017, I received your email dated March 16, 2017 protesting the bid award of Solicitation No. 248001: TOC Organic Analyzer with Auto Sampler.

You assert the basis for your protest is that the County has issued an award to OI Corporation and that their TOC Analyzer does not meet the County's specifications. As remedy, you request that Teledyne's Tekmar bid submittal be reviewed once more.

The Request For Quotation states "Protests must be filed in accordance with the Pima County Procurement Code, Section 11.20.010." Code states "A bidder or offeror may file a protest in writing with the procurement director. Protests filed more than five days after the protester knew or should have known of the recommendation for award, or after contract award shall be considered untimely."

Pursuant to Pima County Procurement Code 11.20.010.E(2), a protest filed after contract award shall be considered untimely. Since the award was made and documented by the issuance of a purchase order on February 16, 2017, I have determined that your protest email received on March 16, 2017 was received after contract award. Your protest is therefore denied, and the bid submittal will not be reviewed.

You may appeal this decision to the Board of Supervisors by filing an appeal with the Clerk of the Board within five 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,

  
Mary Jo Furphy  
Procurement Director

Attachment: Teledyne Tekmar protest email dated March 16, 2017 (2 pages)

c: A. Wilber, Materials & Services Division Manager  
M. Lynch, Commodity Contracts Officer  
B. Escobar, Program Manager, Regional Wastewater Reclamation  
T. Rosen, Deputy County Attorney

**Mary Jo Furphy**

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**From:** notification@pima.gov  
**Sent:** Thursday, March 16, 2017 7:46 AM  
**To:** Mary Jo Furphy  
**Subject:** Procurement Feedback Form 2017-03-16 07:45 AM Submission Notification

**Procurement Feedback Form 2017-03-16 07:45 AM** was submitted by Guest on 3/16/2017 7:45:44 AM (GMT-07:00) US/Arizona

<b>Name</b>	<b>Value</b>
<b>First Name</b>	Mary
<b>Last Name</b>	Nikaido
<b>Email</b>	mary.nikaido@teledyne.com
<b>Address</b>	4736 Socialville Foster Road
<b>City</b>	Mason
<b>State</b>	OH
<b>Zipcode</b>	45040

**Message Subject** Protest Filling Award Decision RFQ No.248001, TOC Organic Analyzer & Autosampler SENT VIA EMAIL PIMA COUNTY WEBSITE (HTTPS://WEBCMS.PIMA.GOV) March 16, 2017 Pima County Procurement Mary Jo Furphy, Director of Procurement 130 W. Congress Tucson, Arizona 85701 Telephone: (520) 724-8198 RE: Protest Filling, Award Decision, RFQ No. 248001 for TOC Organic Analyzer with Auto Sampler Dear Mary Jo Furphy: In accordance with Pima County Procurement Code, Section 11.20.010, please find this letter as Teledyne Tekmar's request to protest the above referenced bid award to OI Corporation (a.k.a. OI Analytical, a xylem brand), which was brought to our attention on March 13, 2017. While we understand that the above referenced RFQ notes on the first page that "a purchase order shall be issued to the low bidder", but since bid Specifications are incorporated as Exhibit A and included with this bid, it is our understanding that the lowest bidder must also meet the included bid Specifications. The County has issued an award to OI Corporation, who may be the lowest bidder, but based on published specifications by OI Corporation, the TOC Analyzer instrument that they carry does not meet the County's Specifications in the above referenced RFQ.

**Comment** Specifically, OI Corporation cannot meet the County's Specifications (Exhibit A) under Section 1, Items No. 1 and No. 3, pasted below: 1. "The Analyzer must be a TOC Fusion UV Persulfate TOC Analyzer (115V) with a PC/Network Driven System that supports Operating System 8 but preferably 10." 3. "Analyzer must have integrated Auto sampler with septum piercing needle and an auto sampler tray that has space for both samples and stock solutions." OI Corporation does not and cannot provide the Fusion TOC (only available from Teledyne Tekmar) and they do not offer an autosampler that includes positions for both samples and stock solutions. The Fusion autosampler offers stock solutions because it provides automation that builds working standards from stock solutions. The OI Analytical system does not offer this automation feature which reduces labor requirements in the laboratory and lowers overall labor costs. Please advise if the County will re-consider their award decision for the above referenced RFQ, and allow Teledyne Tekmar's bid submittal to be reviewed once more in light of this information provided. If you have any questions regarding this matter, please do not hesitate to

contact me at +1 (513) 229-7095. Thank you for your time and consideration in advance.  
Sincerely, \_\_\_\_\_ Scott R. Weekley Vice President  
and General Manager Teledyne Tekmar, a business unit of Teledyne Instruments, Inc.  
(Signed copy of this letter available if there is a means to attach and send to you. Thank  
you again for your immediate assistance.)

**Response requested Yes**

**Referred\_Page** <https://webcms.pima.gov/cms/One.aspx?portalId=169&pageId=84524>

Thank you, Pima County, Arizona

## Bishop, Pat

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**From:** Bishop, Pat  
**Sent:** Tuesday, March 14, 2017 3:34 PM  
**To:** 'Meagan Lynch'  
**Subject:** RE: Follow Up on RFQ 248001

Thanks  
Pat

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**From:** Meagan Lynch [mailto:Meagan.Lynch@pima.gov]  
**Sent:** Tuesday, March 14, 2017 2:24 PM  
**To:** Bishop, Pat <Pat.Bishop@Teledyne.com>  
**Cc:** Mark Orr <mark@summitsci.com>; Dubas, Kevin <Kevin.Dubas@Teledyne.com>  
**Subject:** RE: Follow Up on RFQ 248001

Hi Pat,

Yes, you can file a protest in accordance with Pima County Procurement Code, Section 11.20.010.

Thank you,

***Meagan Lynch***  
***Commodity/Contracts Officer***  
***Pima County Procurement***  
***130 W Congress St, 3<sup>rd</sup> Floor***  
***Mail Stop #DT-AB3-126***  
***Tucson, AZ 85701***  
***[meagan.lynch@pima.gov](mailto:meagan.lynch@pima.gov) | PH-(520) 724-9071***

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**From:** Bishop, Pat [mailto:Pat.Bishop@Teledyne.com]  
**Sent:** Tuesday, March 14, 2017 11:11 AM  
**To:** Meagan Lynch <Meagan.Lynch@pima.gov>  
**Cc:** Mark Orr <mark@summitsci.com>; Dubas, Kevin <Kevin.Dubas@Teledyne.com>  
**Subject:** RE: Follow Up on RFQ 248001

Hi Meagan,

Thank you for the information. If Teledyne wishes to protest the award is the procedure still the same as the procedure referenced in the Pima County Standard Terms and Conditions Section 31 that were a part of the RFQ?

Regards  
Pat

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**From:** Meagan Lynch [mailto:Meagan.Lynch@pima.gov]  
**Sent:** Tuesday, March 14, 2017 1:32 PM  
**To:** Bishop, Pat <Pat.Bishop@Teledyne.com>  
**Cc:** Mark Orr <mark@summitsci.com>; Dubas, Kevin <Kevin.Dubas@Teledyne.com>  
**Subject:** RE: Follow Up on RFQ 248001

Hi Pat,

This was a Request for Quotation (RFQ) which is an informal solicitation. This was not an RFP or IFB, which are formal solicitations. We only post formal solicitations.

The Purchase order was awarded to OI Analytical. See quote/bid results below:

Teledyne

Total evaluated bid- \$30,447.67

OI Analytical

Total evaluated bid- \$24,861.40

Both responses were reviewed by Pima County Regional Waste Water Reclamation Department (RWRD) and OI Analytical was chosen for award by RWRD.

Thank you,

***Meagan Lynch***

***Commodity/Contracts Officer***

***Pima County Procurement***

***130 W Congress St, 3<sup>rd</sup> Floor***

***Mail Stop #DT-AB3-126***

***Tucson, AZ 85701***

***[meagan.lynch@pima.gov](mailto:meagan.lynch@pima.gov) | PH-(520) 724-9071***

---

**From:** Bishop, Pat [<mailto:Pat.Bishop@Teledyne.com>]

**Sent:** Tuesday, March 14, 2017 9:10 AM

**To:** Meagan Lynch <[Meagan.Lynch@pima.gov](mailto:Meagan.Lynch@pima.gov)>

**Cc:** Mark Orr <[mark@summitsci.com](mailto:mark@summitsci.com)>; Dubas, Kevin <[Kevin.Dubas@Teledyne.com](mailto:Kevin.Dubas@Teledyne.com)>

**Subject:** Follow Up on RFQ 248001

Dear Meaghan,

I wanted to check with you on the status of the RFQ 248001 for a TOC Organic Analyzer with Autosampler, that was submitted on February 3, 2017. I checked the Pima County Procurement website, but I did see any listing or bid tabulation.

Thank you for your assistance.

Regards

Pat Bishop

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**From:** Bishop, Pat

**Sent:** Friday, February 3, 2017 4:52 PM

**To:** 'Meagan Lynch' <[Meagan.Lynch@pima.gov](mailto:Meagan.Lynch@pima.gov)>

**Cc:** 'Mark Orr' <[mark@summitsci.com](mailto:mark@summitsci.com)>; Dubas, Kevin <[Kevin.Dubas@Teledyne.com](mailto:Kevin.Dubas@Teledyne.com)>; Smith, Cindy L <[Cindy.Smith@Teledyne.com](mailto:Cindy.Smith@Teledyne.com)>; Hildabrand, Josh B <[Josh.Hildabrand@Teledyne.com](mailto:Josh.Hildabrand@Teledyne.com)>

**Subject:** Teledyne Tekmar response to RFQ 248001 Due February 6, 2017



Dear Meagan,

Thank you for the opportunity to provide pricing on your Total Organic Carbon Analyzer needs.

I have attached Teledyne Tekmar's response to RFQ 248001. Please contact me if I can provide additional information.

Best Regards

Pat Bishop

Contract Specialist

Teledyne Tekmar

513-229-8271

NOTICE: This email message and all attachments transmitted with it are intended solely for the use of the addressee and may contain legally privileged and confidential information. If the reader of this message is not the intended recipient, or an employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution, copying, or other use of this message and its attachments is strictly prohibited. If you have received this message in error, please notify the sender immediately by replying to this message and please delete it from your computer.