

Mary Jo Furphy
Deputy Clerk

Pima County Clerk of the Board

Robin Brigode

Administration Division
130 W. Congress, 5th Floor
Tucson, AZ 85701
Phone: (520) 724-8449 • Fax: (520) 222-0448

Document and Micrographics Mgt. Division
1640 East Benson Highway
Tucson, Arizona 85714
Phone: (520) 351-8454 • Fax: (520) 351-8456

August 7, 2013

Mr. Frank Corral General Manager
Oracle Control Systems, Inc.
1050 S. Tyndall
Tucson, AZ 85719

Mr. Victor Corrales, Owner
Vic's HVAC Repair, L.L.C.
7598 S. Carlisle
Tucson, AZ 85746

RE: Appeal of the Pima County Procurement Director's decision regarding Solicitation
No. 95799, HVAC Services for Residential Homes

Dear Sirs:

Please be advised that your appeal hearing regarding the Procurement Director's decision in the aforementioned case has been continued to the Board of Supervisors meeting on Tuesday, September 3, 2013, 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 cursive script that reads "Robin Brigode".

Robin Brigode
Clerk of the Board

c: George Widugiris, Procurement Director



Pima County Clerk of the Board

Robin Brigode

Mary Jo Furphy
Deputy Clerk

Administration Division
130 W. Congress, 5th Floor
Tucson, AZ 85701
Phone: (520) 724-8449 • Fax: (520) 222-0448

Document and Micrographics Mgt. Division
1640 East Benson Highway
Tucson, Arizona 85714
Phone: (520) 351-8454 • Fax: (520) 351-8456

July 22, 2013

Mr. Frank Corral, General Manager
Oracle Control Systems, Inc.
1050 S. Tyndall
Tucson, AZ 85719

Mr. Victor Corrales, Owner
Vic's HVAC Repair, L.L.C.
7598 S. Carlisle
Tucson, AZ 85746

RE: Appeal of the Pima County Procurement Director's decision regarding Solicitation
No. 95799, HVAC Services for Residential Homes

Dear Sirs:

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, August 6, 2013, 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 cursive script, appearing to read "Robin Brigode".
Robin Brigode
Clerk of the Board

c: George Widugiris, Procurement Director

July 17th 2013

Pima County Board of Supervisors

To: Clerk Of The Board &
L. George Widugiris C.P.M.
Procurement Director

RE: Solicitation #95799 HVAC Services for Residential Homes

Please accept this letter as formal notification of Appeal to the Clerk of the Board regarding the above mention Solicitation on behalf of Vic's HVAC Repair LLC and Oracle Control Systems Inc.

Three of the five bids submitted were deemed Non-responsive and our protests were denied because our bids did not include a copy of a license or references in the bid package. (Bid results attached).

We believe the wording in Par-3 is at the least ambiguous and would have no material effect on the bid process or integrity. In our opinion the qualifications in Par-3 are required to perform this contract, and coincide with the ROC license requirements. We did not think this paragraph required additional documentation.

By signing the bid documents a bidder **certifies** and **stipulates** that they have a contractor's license and are competent to perform the work.

OFFER AGREEMENT: HVAC Services for Residential Homes

3. CONTRACTOR MINIMUM QUALIFICATIONS:

The Contractor **certifies** that they are competent, willing and responsible for performing the services or providing the goods in accordance with all requirements of the solicitation and this Offer Agreement.

The Contractor further **stipulates** that they possess a current Residential Arizona Air Conditioning and Refrigeration License C-39 (Residential) or K-39 (Commercial/Residential) or if a General Residential Contractor, the proper license required to do the work or sub the specified work to a licensed HVAC Contractor. The Contractor agrees to maintain the following company certifications/licenses, and employee certifications/licenses as required by regulating agencies, for the firm and all employees performing work pursuant to this agreement throughout the term of this agreement including any renewals. *(A copy of the license/certificate will be sufficient.)*

The Contractor must provide five (05) verifiable references demonstrating satisfactory experience for the last five (05) years or more in residential HVAC services as referenced in the Scope of Services of this solicitation. *(A listing of the customer name with telephone number and summary of job performed, date of the job performed, and location of job will be sufficient.)*


The (IFB) Instructions to bidders (Par 1.) states - "*All bids shall be made using the forms provided in this package.*" None of the forms provided include a place to include license numbers or references.

The (IFB) Instructions to bidders (Par 4.) states - "*The submittal shall include all information requested by the solicitation, and utilize without modification the forms provided by the solicitation.*" None of the forms provided include a place to include license numbers or references.

I believe it is in the best interest of the taxpayers and Pima County to consider our bids responsive and award the contracts to the lowest responsive bidders.

Thank you for allowing us this opportunity to express our opinions.

Sincerely
Oracle Control Systems, Inc.



Frank Corral
General Manager

Sincerely
Vic's HVAC Repair LLC



Victor Corrales
Owner

NOTICE OF RECOMMENDATION FOR AWARD

Date of Issue: June 27, 2013

The Procurement Department hereby issues formal notice to respondents to Solicitation # 95799 HVAC Services for Residential Homes that the following listed respondents will be recommended for award as indicated below. The award action is anticipated to be executed by the Procurement Director on or after July 5, 2013.

Award is recommended to the Respondents submitting the lowest responsive and responsible bids.

<u>AWARDEE NAME (S)</u>	<u>5 YEAR BID OPENING TABULATION AMOUNT</u>	<u>5 YEAR AWARD AMOUNT</u>
Arizona Style Construction LLC (Primary Supplier)	\$454,990.00	\$404,491.00
Tron Heating & Cooling LLC (Secondary Supplier)	\$675,230.00	\$ 45,499.00

<u>OTHER RESPONDENT FIRM NAMES</u>	<u>5 YEAR BID OPENING TABULATION AMOUNT</u>
Excellence LLC	
d.b.a Air Excellence	Non-Responsive
American Refrigeration Supply, Inc.	No Bid
P & B Mechanical	
d.b.a. Advantage Air Mechanical	Non-Responsive
Oracle Control Systems, Inc.	Non-Responsive
Vic's HVAC Repair LLC	Non-Responsive

Issued by: John Nanosky, Contracts & Commodity Officer
Telephone Number: 520-724-8165

This notice is in compliance with Pima County Procurement Code:
§11.12.010, §11.12.020, §11.20.010C

Copy to: Pima County SBE (Fax 724-3646)



PIMA COUNTY
PROCUREMENT
130 W. CONGRESS ST., 3rd FLOOR
TUCSON, ARIZONA 85701-1317
TELEPHONE (520) 740-8161, FAX (520) 798-1484

July 10, 2013

Mr. Frank Corral
General Manager
Oracle Control Systems, Inc.
1050 South Tyndall
Tucson, AZ 85719
Phone: (520)622-4822
Fax: (520)622-1101
E-Mail: Frank@hvactucson.com

RE: Solicitation #95799 HVAC Services for Residential Homes

Dear Mr. Corral.

I received your letter dated July 2, 2013 on July 5, 2013 protesting the recommendation for award of Solicitation #95799: HVAC Services for Residential Homes which was scheduled for award on July 8, 2013. The award has been postponed to allow time to address your protest.

Your protest is based on your belief that it was not clear that the documents required to satisfy the supplier minimum qualifications defined by Article 3 of the offer agreement were required to be submitted with your bid. Your protest letter stated: "Only reference is that a copy will be sufficient....I interrupt (interpret) that as required at the time of award."

After review of the solicitation documents I have determined the following:

The *Instruction to Bidders*, Section 2, *Supplier Minimum Qualifications* clearly states the applicable requirement:

"Supplier Minimum Qualifications are intended to establish the respondent's capacity and responsibility for providing the services or products solicited. **To be evaluated and considered for award of contract the Offeror shall submit with the Offer Agreement all documents specified in article 3. Supplier Minimum Qualifications of the Offer Agreement**"

Your submittal did not include a copy of the appropriate license or the five references as required by the solicitation.

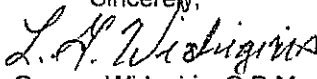
Your company did not attend the Pre-Bid Meeting for this solicitation where you could have asked for clarification of the submittal requirements, nor did Oracle submit any questions to the Commodity Contracts Officer requesting clarification.

Multiple bidders did submit the required documents.

I have determined that this procurement process was conducted in a manner fair and equitable to all participants and there is no basis for me to grant your protest. To do otherwise would harm those parties that complied with all aspects of the solicitation.

The recommendation to award Solicitation #95799 to the lowest responsive and responsible bidders will not be changed. Pursuant to Pima County Procurement Code Section 11.20.010.E(1), your protest is dismissed.

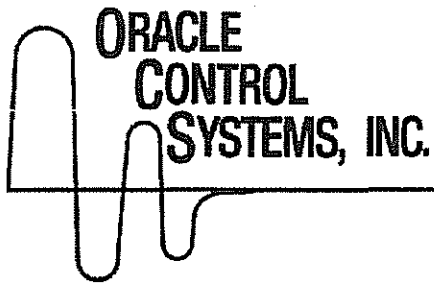
You may appeal this decision to the Board of Supervisors by filing an appeal with the Clerk of the Board within five business days of the date of this written decision pursuant to Pima County Procurement Code section 11.20.010.H. If you file an appeal with the Board of Supervisors, the Board will consider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

Sincerely,

L. George Widugiris, C.P.M.
Procurement Director

Attachment: Oracle Control Systems, Inc. Protest letter dated 7/2/13(1 page)

Copy:

T. Finefrock, Chief Contracts and Procurement Manager
John Nanosky, Commodity Contracts Officer
D. Tylutki, Community Development, Program Manager
P. Kerley, Community Development
M. Nateisky, Deputy County Attorney
Interested Parties



ROC 39 088282 / ROC 74 091859 • 520.622-HVAC

Pima County Procurement

July 2nd 2013

RE: Solicitation #95799 HVAC Services for Residential Homes

To: John Nanosky

Please accept this letter as formal notification of protest regarding the above mention Solicitation.

It is not clear that the items that are under section 3 page 2 are required to be added to bid packet. Only reference is that a copy will be sufficient.... I interrupt that as required at the time of award. (it looks like this was unclear to others.... With so many non-responsive bids)

We would like to inform you of our astonishment that we were considered "Non-Responsive" for the above bid.

Oracle Control Systems has been doing business with Pima County for over 15 years and our license information is on file with you.

References, Thank You letters & letters of appreciation have been part of our business together for years.

Sincerely
Oracle Control Systems, Inc.

Frank Corral
General Manager

1050 South Tyndall • Tucson, Arizona 85719 • Phone (520) 622-4822 • FAX (520) 622-1101

NOTICE OF RECOMMENDATION FOR AWARD

Date of Issue: June 27, 2013

The Procurement Department hereby issues formal notice to respondents to Solicitation # 95799 HVAC Services for Residential Homes that the following listed respondents will be recommended for award as indicated below. The award action is anticipated to be executed by the Procurement Director on or after July 5, 2013.

Award is recommended to the Respondents submitting the lowest responsive and responsible bids.

<u>AWARDEE NAME (S)</u>	<u>5 YEAR BID OPENING TABULATION AMOUNT</u>	<u>5 YEAR AWARD AMOUNT</u>
Arizona Style Construction LLC (Primary Supplier)	\$454,990.00	\$404,491.00
Tron Heating & Cooling LLC (Secondary Supplier)	\$675,230.00	\$ 45,499.00

<u>OTHER RESPONDENT FIRM NAMES</u>	<u>5 YEAR BID OPENING TABULATION AMOUNT</u>
Excellence LLC	
d.b.a Air Excellence	Non-Responsive
American Refrigeration Supply, Inc.	No Bid
P & B Mechanical	
d.b.a. Advantage Air Mechanical	Non-Responsive
Oracle Control Systems, Inc.	Non-Responsive
Vic's HVAC Repair LLC	Non-Responsive

Issued by: John Nanosky, Contracts & Commodity Officer
Telephone Number: 520-724-8165

This notice is in compliance with Pima County Procurement Code:
§11.12.010, §11.12.020, §11.20.010C

Copy to: Pima County SBE (Fax 724-3646)



**PIMA COUNTY
PROCUREMENT
130 W. CONGRESS ST., 3rd FLOOR
TUCSON, ARIZONA 85701-1317
TELEPHONE (520) 740-8161, FAX (520) 798-1484**

July 9, 2013

Mr. Victor Corrales, Owner
Vic's HVAC Repair LLC
7598 S. Carlisle
Tucson, AZ 85746
Phone: (520)908-8818
Fax: (520)306-4947
E-Mail: Vicorrales@MSN.com

RE: Pima County Solicitation # 95799 HVAC Services for Residential Homes

Dear Mr. Corrales

I received your letter dated July 3rd, 2013 via facsimile on July 5th, 2013 protesting the recommendation for award of Solicitation #95799: HVAC Services for Residential Homes which was scheduled for award on July 8, 2013. The award has been postponed to allow time to address your protest.

Your protest is based on your belief that you did not have to provide a License/certificate or listing of customers with the bid documents submitted. Specifically you state: "Nowhere does it state that the license/certificate or listing of customers etc. has to be included with the other bid documents, they were available on file for inspection if and when required." You provided the following paragraph, copied from Pima County's Offer Agreement, to substantiate your assertion:

"3. CONTRACTOR MINIMUM QUALIFICATIONS:

The Contractor certifies that they are competent, willing and responsible for performing the services or providing the goods in accordance with all requirements of the solicitation and this Offer Agreement. The Contractor further stipulates that they possess a current Residential Arizona Air Conditioning and Refrigeration License C-39 (Residential) or K-39 (Commercial/Residential) or if a General Residential Contractor, the proper license required to do the work or sub the specified work to a licensed HVAC Contractor. The Contractor agrees to maintain the following company certifications/licenses, and employee certifications/licenses as required by regulating agencies, for the firm and all employees performing work pursuant to this agreement throughout the term of this agreement including any renewals. *(A copy of the license/certificate will be sufficient.)*"

"The Contractor must provide five (05) verifiable references demonstrating satisfactory experience for the last five (05) years or more in residential HVAC services as referenced in the Scope of Services of this solicitation. *(A listing of the customer name with telephone number and summary of job performed, date of the job performed, and location of job will be sufficient.)*"

After review of the solicitation documents I have determined the following:

The *Instruction to Bidders*, Section 2, *Supplier Minimum Qualifications* clearly states the applicable requirement:

"Supplier Minimum Qualifications are intended to establish the respondent's capacity and responsibility for providing the services or products solicited. **To be evaluated and considered for award of contract the Offeror shall submit with the Offer Agreement all documents specified in article 3. Supplier Minimum Qualifications of the Offer Agreement.**"

Your submittal did not include a copy of the appropriate license or the five references as required by the solicitation.

Multiple bidders did submit the required documents.

I have determined that this procurement process was conducted in a manner fair and equitable to all participants and there is no basis for me to grant your protest. To do otherwise would harm those parties that did comply with all aspects of the solicitation.

The recommendation to award Solicitation #95799 to the lowest responsive and responsible bidders will not be changed. Pursuant to Pima County Procurement Code Section 11.20.010.E(1), your protest is dismissed.

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 this decision or determine an appropriate remedy.

Sincerely,


L. George Widugiris, C.P.M.
Procurement Director

Attachment: Vic's HVAC Repair, LLC Protest letter dated 7/3/13(1 page)

Copy: T. Finefrock, Chief Contracts and Procurement Manager
John Nanosky, Commodity Contracts Officer
D. Tylutki, Community Development, Program Manager
P. Kerley, Community Development
M. Natelsky, Deputy County Attorney
Interested Parties

Vic's H.V.A.C. Repair
Office: (520) 908-8818

July 3, 2013

RE: Pima County Solicitation #96799 HVAC Services for Residential Homes

Please accept this letter as formal notification of protest regarding the following statement.

"3. CONTRACTOR MINIMUM QUALIFICATIONS:

The Contractor certifies that they are competent, willing and responsible for performing the services or providing the goods in accordance with all requirements of the solicitation and this Offer Agreement.

The Contractor further stipulates that they possess a current Residential Arizona Air Conditioning and Refrigeration License G-39 (Residential) or K-39 (Commercial/Residential) or if a General Residential Contractor, the proper license required to do the work or sub the specified work to a licensed HVAC Contractor. The Contractor agrees to maintain the following company certifications/licenses, and employee certifications/licenses as required by regulating agencies, for the firm and all employees performing work pursuant to this agreement throughout the term of this agreement including any renewals. (A copy of the license/certificate will be sufficient).

The Contractor must provide five (05) verifiable references demonstrating satisfactory experience for the last five (05) years or more in residential HVAC services as referenced in the Scope of Services of this solicitation. (A listing of the customer name with telephone number and summary of job performed, date of the job performed, and location of job will be sufficient.)"

Nowhere does it state that the license/certificate or listing of customers etc. has to be included with the other bid documents, they were available on file for inspection if and when required.

As relief from this protest we request Non Responsive status removed and Reinstatement as the Secondary Supplier

Sincerely

