

Pima County Clerk of the Board

Robin Brigode

Mary Jo Furphy
Deputy Clerk

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Tucson, AZ 85701
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Tucson, Arizona 85714
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April 1, 2014

Mr. Raymond W. Kothé, President
Bestway Electric Motor Service Co., Inc.
728 S. Campbell Avenue
Tucson, AZ 85719

RE: Appeal of the Pima County Procurement Director's decision regarding Solicitation
No. 106981, Pump Repairs

Dear Mr. Kothé:

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 15, 2014, 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



Bestway Electric Motor Service Co., Inc.

728 S. CAMPBELL AVE. TUCSON, AZ 85719 /PH. (520) 884-9141 /FAX (520) 884-1850 /ROC180818

March 31, 2014

Robin Brigode, Clerk

Pima County Board of Supervisors

130 W Congress 5th Floor

Tucson, Arizona 85701

Via e-mail to robin.grigode@pima.gov

Dear Ms. Brigode:

This letter is written to appeal the decision made by L. George Widugiris (Pima County Procurement Director) to Brent Bonnet of Phoenix Pumps, Inc., and to request a hearing before the Pima County Board of Supervisors. Mr. Widugiris intends to defer the Recommendation for Award of Bid 106981 titled Pump Repairs, because of the letter of protest submitted by Brent Bonnet. Copies of both letters are included herein.

Bestway Electric Motor Service Company, Inc. was recommended for award the Invitation For Bid 106981. The Procurement Department received two bids from local, qualified repair facilities. Bestway Electric Motor Service was the only company to attend the Pre-Bid Conference on November 27, 2013, the purpose of which, per the County is for "clarifying requirements and answering prospective respondent questions. It is the responsibility of Prospective Respondents to familiarize themselves with all requirements of the solicitation and to identify any issues at the conference." Phoenix Pumps, Inc. did not attend the Pre-Bid Conference, nor did they submit a formal bid to this solicitation.

Mr. Bonnet's complaint was that the County did not include complete pump information in Solicitation 106981. If any prospective respondent had an advantage in knowing the complete pump information, it was the author of the protest letter, whose employer held the prior contract with Pima County for four consecutive years! We submitted pricing after researching information on pumps that we have repaired in the past for the County and other customers, and we also requested information from local pump distributors for parts pricing on various brands of pumps. Bestway Electric Motor put a tremendous amount of time into researching this information in order to produce and submit a bid that is advantageous to both the County and to our Company. We submitted conservative price estimates especially, because we knew that Phoenix Pumps, Inc. had held the contract for four years and would

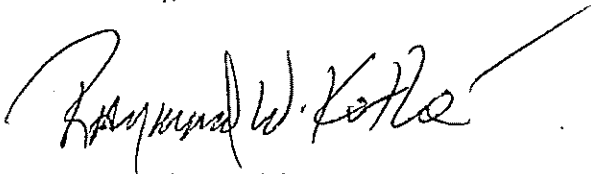
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have empirical prior knowledge and experience working on the county's pumps. Phoenix Pumps Inc. is a distributor for thirty four percent (eight of the twenty-four brands) of pumps listed in this solicitation.

Since Bestway Electric and Laron Inc. submitted bids to Invitation For Bid 106981, our prices have now become available to the public. If this Invitation goes out to be re-bid again, any other interested parties now have the unfair advantage of being informed of the hourly rates and unit prices which we submitted in a sealed bid.

Again, I am requesting to be heard at the earliest meeting of the Pima County Board of Supervisors, and request that the contract be awarded to the lowest qualified bidder responding to Invitation For Bid # 106981, namely Bestway Electric Motor Service co., Inc.

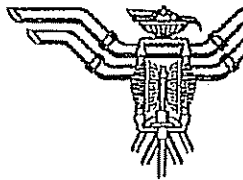
Sincerely,

A handwritten signature in black ink, appearing to read "Raymond W. Kothé", with a long, sweeping horizontal stroke extending to the right.

Raymond W. Kothé

President

Bestway Electric Motor Service Company, Inc.



PHOENIX PUMPS, INC.

5100 S. 36th Street • Phoenix, AZ 85040 • Phone: 602.232.2994 • Fax: 602.232.2995
www.phoenixpumps.com • AZ License #ROC245283

March 18, 2014 REC'D 7/12/14

Mr. George Widugiris
Pima County Procurement Department
130 W Congress Street, 3rd Floor
Tucson, AZ 85701

Re: Solicitation #106981, Pump Repairs

Dear Mr. Widugiris,

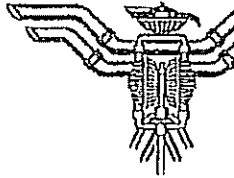
We are filing a formal protest of award in accordance with Pima County Procurement Code under section 11.20 for the above solicitation.

It is our firm belief that this solicitation lacked the proper information needed to compile a complete and fair bid. This solicitation covers over 90 different models/types of pumps with over 50% of them still lacking the proper identification in the bid to properly bid those items. Since the beginning of this solicitation, we have been trying to get the needed information so we could properly assemble our bid (see attached correspondence). We went as far as to place all of the items on a spreadsheet, which was forwarded to procurement, to make it easier for seeking out the information.

Also, it is required that all pumps be repaired with the use of OEM parts which can only be supplied by the factory appointed representative for that particular state/area. Two of the factory appointed representatives, JCH (Distributor for the Flygt brand) and Hennessy (Distributor for both the WEMCO and Moyno brand), could not bid us the needed parts due to the lack of information supplied in the solicitation (see attached correspondence).

Based on the above statements and attached correspondence it is our firm believe that the bids received could not be an apples to apples bid and most likely unfair to both the bidders and Pima County. It would only make sense that those who did bid this solicitation took a big chance and most likely bid higher prices to cover the unexpected driving up the cost of repairs.

As you can see from the attached correspondence, we have put considerable amount of time and effort into defining the requirements of this solicitation and fully expected an additional addendum clarifying our questions/concerns which did not take place.



PHOENIX PUMPS, INC.

5100 S. 36th Street • Phoenix, AZ 85040 • Phone: 602.232.2994 • Fax: 602.232.2995
www.phoenixpumps.com • AZ License #ROC245283

We are asking that this solicitation not be awarded but reconstructed to include all of the needed information to protect all those involved and be rebid to provide Pima County with what could be better/lower pricing and bidders with the protection of knowing what is involved in the repair, i.e. this was an unfair bid due to the lack of information as stated above.

We appreciate the opportunity to present the above for consideration and the opportunity to be of service to Pima County. Should you have any further questions, please do not hesitate to contact me at (602) 790-3684.

Thank you and have an awesome day !!!

Brent A Bonnett | Phoenix Pumps, Inc. | 8632 N Moonfire Dr, Tucson, AZ 85743
O: 602-232-2994 | M: 602-790-3684 | F: 520-396-3689 | ACL: ROC245283
E: bbonnett@PhoenixPumps.com | W: www.PhoenixPumps.com |
W2: www.ShopPumps.com



PROCUREMENT DEPARTMENT
130 W. CONGRESS ST., 3rd FLOOR
MAILSTOP DT-AB3-126
TUCSON, ARIZONA 85701-1317
TELEPHONE (520) 724-8161, FAX (520) 222-1484

March 25, 2014

Mr. Brent A. Bonnett
Phoenix Pumps, Inc.
8632 N. Moonfire Dr.
Tucson, AZ 85743
Via email: bbonnett@phoenixpumps.com

RE: Protest of Solicitation Number 106981, Pump Repairs

Dear Mr. Bonnett,

I received your letter dated March 18, 2014 protesting the recommendation for award of solicitation # IFB 106981 for Pump Repairs. The award of contract will be deferred until the protest process is completed.

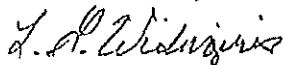
Your protest is based on your belief that the solicitation lacked the proper information needed to complete a complete and fair bid. Additionally, you state that two of the OEM factory appointed representatives could not provide a bid to you for the needed parts due to lack of information included in the solicitation.

After review and research by our client Department, Regional Wastewater & Reclamation Department (RWRD) and our Procurement Contracts Officer, I have determined that although significant effort was made to satisfy all requests and enable qualified vendors to submit bids, the solicitation documents did not define all details required for all Respondents to accurately and responsibly bid all items.

Your protest is hereby granted. The solicitation and initial Notice of Recommendation for award will be cancelled, and a new solicitation will be developed and published.

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 Plima 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

Copy: T. Finefrock
H. Houston
W. Keith
Interested Parties