

Melissa Manriquez
Deputy Clerk

Pima County Clerk of the Board

Julie Castañeda

Administration Division
130 W. Congress, 5th Floor
Tucson, AZ 85701
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Management of Information & Records Division
1640 East Benson Highway
Tucson, Arizona 85714
Phone: (520) 351-8454 • Fax: (520) 791-6666

July 23, 2019

Donald McGann, President
McGann & Associates
6814 N. Oracle Road, Suite 210
Tucson, AZ 85704

RE: Appeal of the Pima County Procurement Director's decision regarding Solicitation No. RFQ-PO-1900016 for Landscape Architecture Services, Qualified Consultant List

Dear Mr. McGann:

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, 2019, 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

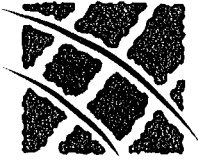
If you have any questions concerning this hearing, please contact this office at 724-8449.

Sincerely,

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

Julie Castañeda
Clerk of the Board

c: Mary Jo Furphy, Procurement Director



McGann & Associates

Landscape Architects and Planners

6814 North Oracle Road, Suite 210, Tucson AZ 85704 Tel: 520-297-9540 Fax: 520-297-9545 www.mcgannland.com

July 22, 2019

Julie Castañeda
Clerk of the Board
Pima County Board of Supervisors
130 West Congress – 5th Floor
Tucson, Arizona 85701

**Appeal of Decision by Pima County Procurement Director regarding Contact Award for
Solicitation No. RFQ-1900016 – Landscape Architecture Services – Qualified Consultant List**

Dear Ms. Castañeda,

This letter is to appeal to the Pima County Board of Supervisors a decision made by the Procurement Director related to consultant selection for the above referenced Qualified Consultants List. We believe there were errors made in the selection process and that our appeal to the Procurement Department was made in a timely manner. The remedy we are requesting is that McGann & Associates be added to the County's QCL list for Landscape Architecture.

Relevant facts are:

- Upon receipt of the Notice-of-Award letter, McGann & Associates requested debriefing information regarding the selection process. A formal request for the debriefing material was made on July 10, 2019.
- The requested debriefing information was provided to McGann & Associates on July 15, 2019, five days after the request was made.
- Upon review of the information, McGann & Associates determined that there appeared to be errors and/or inconsistencies in the scoring of the proposals. As a result of these errors, McGann & Associates' response was ranked 4th highest. Had the proposals been scored correctly, the McGann & Associates would have been one of the top three ranked firms.
- The County selected only three firms for the Qualified Consultants List even though the Request for Proposal document indicated the County's intent to select up to four firms. (See Attachment 1).
- On July 17, 2019 McGann & Associates filed a protest with the Procurement Department noting the errors mentioned above. (See Attachment 2).

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Julie Casteñeda

July 22, 2019

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- On July 19, 2019, the Procurement Director denied our protest indicating that our protest had not been received in a timely manner. (See Attachment 3).
- The Procurement Director did not contest our assertion that there were errors and/or inconsistencies in the scoring of the proposals.

It is our contention that the debriefing materials were central to the finding that there were scoring errors and inconsistencies. The County's provision of this information after the deadline for an appeal had the effect of making an appeal impossible. It is our belief that it was never the County's intent to create a system where a legitimate appeal was rendered impossible by a delay in the County's provision of relevant information.

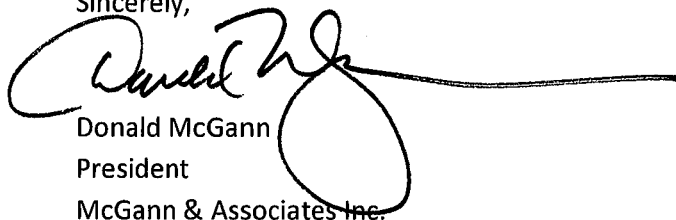
Based on the above, we are requesting that the Board of Supervisors overturn the Procurement Director's decision and direct the Department to include McGann & Associates on the list of Qualified Consultants to provide Pima County with Landscape Architectural Services during the term of the QCL contract.

This action:

- Is consistent with the stated intent of the County to select up to four firms for the QCL List.
- Will correct the errors / inconsistencies in the scoring process for this project.
- Will eliminate the unintended trap related to the need to file a protest before relevant information is provided by the County.
- Will not harm any of the other ranked firms on the QCL list as their selection will proceed without change.

Please let me know if you have any questions regarding this appeal. I am available to meet with you and/or the Board of Supervisors if it would be helpful in reviewing and processing this request.

Sincerely,



Donald McGann
President
McGann & Associates Inc.



PROCUREMENT
NOTICE OF SOLICITATION FOR QUALIFICATIONS

SFQ-PO-1900016
LANDSCAPE ARCHITECTURE SERVICES
QUALIFIED CONSULTANTS LIST
TUCSON, ARIZONA

Pima County is seeking Statements of Qualifications (SOQs) to develop a Qualified Consultants List (QCL) to perform as-needed Landscape Architecture Services. The complete scope of services is located in the solicitation documents. The County intends to recommend up to Four (4) of the highest ranked qualified firms for placement on the QCL. The QCL may remain in place for a period of up to five (5) years, pursuant to Pima County Board of Supervisors Policy D29.1(B)(I)(C).

Work awarded through the Landscape Architecture Services QCL shall not exceed \$250,000 per project, and no firm shall be awarded more than \$500,000 per calendar year, per QCL.

The estimated annual County expenditure for as-needed Landscape Architecture Services is approximately \$100,000. There is no guarantee that work will be awarded.

Certified Small Business Enterprises (SBE) firms are encouraged to participate.

DIRECT WRITTEN QUESTIONS TO: William Brooks, Procurement Officer
E-mail: William.Brooks@pima.gov
Pima County Procurement, Design & Construction Division
130 W. Congress Street, 3rd Floor
Tucson, AZ 85701
Phone: 520-724-3245
Fax: 520-724-4434

SOLICITATION DOWNLOAD: <https://vendors.pima.gov/>

SOQ DUE DATE/TIME: June 10th, 2019, at or before 4:00 PM Local Tucson Time
LOCATION: Procurement Department, 130 W. Congress Street, 3rd Floor
Tucson, AZ 85701

PUBLISH: The Daily Territorial: May 16, 17, 20, and 21, 2019



McGann & Associates

Landscape Architects and Planners

6814 North Oracle Road, Suite 210, Tucson AZ 85704 Tel: 520-297-9540 Fax: 520-297-9545 www.mcgannland.com

July 17, 2019

Mr. William Brooks
Procurement Officer
Pima County Procurement Department
Design and Construction Division
130 West Congress Street
Tucson, Arizona 85701

Ref: Protest of Consultant Selection
SFQ –PO-1900016 – Landscape Architecture Services – Qualified Consultants List

Dear Mr. Brooks,

This letter is to formally protest the results of the selection of landscape architectural firms for Pima County's Landscape Architecture Services - Qualified Consultants List.

We believe that in the scoring of the proposals the selection committee failed to award points for our firm's ability to accept on-going projects. These points would have changed McGann & Associates ranking making it one of the top three firms. The remedy we are requesting is that our firm be added to the list of firms to be included on the Qualified Consultants List.

With regard to the proposed remedy, it is important to note that it is consistent with the County's Notice of Solicitation document that indicates that the County intends to recommend up to four qualified firms. (See Attachment 1). The County previously selected three so the addition of an additional firm would be consistent with the County's stated intent and would not harm any of the selected firms by removing them from the Qualified Consultants List.

It is our position that the deficiency / error in the scoring relates to the scoring of Item 2.b. This item asks respondents to describe the capacity of the firm and team to accept on-going projects relevant to the requested services. In our response, we note that:

- The McGann & Associates team will be lead by two registered professionals, Don McGann and Scott Martinez, with a combined 65 years of related professional experience.
- We bring to the project a team of Subconsultants all of whom have worked successfully with the County and on successful collaborations with McGann & Associates over a period of decades.
- We provide examples of projects implemented under open-end contracts similar to the County's QCL program.
- We demonstrate a broad range of experience on projects of the type to be implemented under this contract, including projects successfully completed for Pima County.
- We provide information on the unique qualifications of the firm that speak to our ability to perform task orders issued as part of this contract.

William Brooks

July 17, 2019

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- We specifically express our interest, without reservation, in working with Pima County on projects implemented under this contract.

It is our position that the information provided clearly demonstrates our willingness, preparedness and ability to accept on-going projects. While we acknowledge that there is a subjective element to the review, we believe it was incumbent on the reviewers to consider the Statement of Qualifications in its entirety. The awarding of zero points for our capacity to accept on-going projects is an error that should be corrected.

It is also most relevant that the subject solicitation was for an open-end contract involving future projects with Scopes-of-Work that have not been defined and where the start and completion dates have not been established. A blanket statement by any firm that they have the ability to complete projects that have no defined scope or schedule is speculative. What is more important is a long track record of high quality and timely performance. McGann & Associates has that track record.

We request your prompt response to this request and look forward to the addition of McGann & Associates to the Qualified Consultants List for Landscape Architectural Services. Please let me know if you need any additional information. I am available to meet with you to discuss steps needed to address this protest and appropriately resolve this issue.

Sincerely,



Donald McGann
President
McGann & Associates Inc.

x.c. P19-2730



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: dmcgann@mcgannland.com

July 19, 2019

Mr. Don McGann
 McGann & Associates
 6814 N. Oracle Road, Suite 210
 Tucson, AZ 85704

RE: Protest of Award
 Solicitation No. RFQ-PO-1900016 Landscape Architecture Services, Qualified Consultant List

Dear Mr. McGann,

On July 17, 2019, I received your email protesting the award of Solicitation No. SFQ-PO-1900016 Landscape Architecture Services, Qualified Consultant List. The Notice of Selection was issued June 20, 2019, and the Master Agreement, MA-PO-19-222, was effective July 10, 2019.

You assert the basis for your protest is that the County failed to award points for your firm's ability to accept on-going projects. As remedy, you request that Pima County reconsider the award and add your firm to the list of firms included on the Qualified Consultants List.

The Solicitation for Qualifications states "The Pima County protest procedures are in Chapter 11.20 of the Pima County Procurement Code, available through <http://www.pima.gov/cob/code/>". Protests must be filed in accordance with the Pima County Procurement Code, Section 11.20.010." Pursuant to Pima County Procurement Code 11.20.010.D, the five-day period to file a protest of the award is measured from the date the Notice of Recommendation (Selection) is issued, and a protest filed after contract award shall be considered untimely. Since the award was made and documented by the Notice of Selection on June 20, 2019 and the Master Agreement effective on July 10, 2019, I have determined that your protest email received on July 17, 2019 was received after contract award.

Pursuant to Pima County Procurement Code 11.20.010.F.2, I have determined that the protest is untimely, therefore your protest is denied.

This decision may be appealed 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, CPPO
 Procurement Director

Attachment: McGann & Associates, Inc. protest email dated July 17, 2019 (3 pages)

c: T. Spencer, Design & Construction Division Manager, Procurement
 W. Brooks, Procurement Officer
 S. Roseberry, Deputy County Attorney