



Protest on the Notice of Intent to Award – 11/27/2019

REF: RFP Number 2020048

Dear Sir,

Please consider this letter to be an official protest of the Award recommendation for the City of Mesa's Parks Urban Lake Maintenance dated 11/20/2019. The reasons for our protests are briefly as follows.

The bid instructions did not provide specific items that the city wanted in the proposed solution section, leaving us to render a brief but concrete aquatic regiment that would allow any experienced company in our industry to provide class a service.

Another reason for our protest is the grading of the experience section. While the awardee has an older license, they began to service in the field several years after H2ology was managing urban lakes. To that end, the experience section of the bid was also graded incorrectly.

In closing, we would like to emphasize that H2ology continues to manage many water systems successfully. For this reason, we are asking the city to reconsider their award recommendation, especially since H2ology is the lowest bidder and because we are more than capable of handling your features.

Iliya Paul

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December 2, 2019

Iliya Paul
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RE: Protest Response – RFP 2020048 Urban Lake Maintenance

Mr. Paul:

Matt Bauer is the protest officer identified in the solicitation. I am responding on his behalf while he is out on a family leave.

- Per the Procurement Rules, your protest contained the required content and was received on November 27, 2019. To the extent that you are protesting an “alleged mistake, impropriety, or defect in a Solicitation that is apparent before the Solicitation Opening,” your protest is not timely pursuant to Section 6.2(A) of the Procurement Rules. However, to the extent you are protesting under Section 6.2(B), your protest was timely received.
- The solicitation is a Request for Proposals. Every proposal received is scored against the same, published criteria.
- The final scoring is below, a summary of which was previously included in the City Council Report.

• Criteria	Points Possible	Aquatic Consulting & Testing	Blue World Construction	H2ology	Lake Maintenance Service
Firm's Qualifications & Experience	75	75	49.00	70.00	65.00
Firm's Proposed Solution	100	95.75	60.00	43.75	80.00
Firm's Proposed Pricing	25	17.78	14.00	25.00	18.10
Total	200	188.53	123.00	138.75	163.10

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In your protest, you assert.

- 1) “The bid instructions did not provide specific items that the city wanted in the proposal solution section, leaving us to render a brief but concrete aquatic regiment that would allow any experienced company in our industry to provide class a service”.
- 2) “...the grading of the experience section. While the awardee has an older license, they began to service in the field several years after H2Ology was managing urban lakes. To that end the experience section of the bid was also graded incorrectly”.
- 3) ...”H2ology is the lowest bidder...”

Response to #1: Here, you are protesting the contents of the Solicitation, which were apparent to you before the Solicitation Opening. Therefore, this portion of your protest is not timely pursuant to Section 6.2(a) and is therefore denied.

Moreover, the cover page of the RFP provides two contacts for questions related to the RFP. Section 2 of the RFP instructions provides direction on how to submit any questions related to the solicitation. However, your firm did not submit any questions. Another respondent did and those questions were answered via Addendum #1 published on September 25, 2019.

Additionally, a Pre-Proposal Conference was held on September 17, 2019. As stated in the RFP, “The conference provides interested parties an opportunity to discuss the City's needs and ask questions”. Per the sign-in sheet, H2Ology did not attend.

On the cover page of the RFP, it states “Vendor Questions are due to purchasing by 12:00 PM September 24, 2019”. Questions related to the specifications should have been asked before the due date, not during the award.

Not only did your firm fail to seek clarification regarding the Solicitation through the means provided by the City, but it also failed to timely file the protest regarding the Solicitation. For these reasons, that portion of the protest is denied.

Response to #2: The scoring category is “Qualifications and Experience.” The category was not scored based on when a license was issued. Aquatic Consulting & Testing submitted a material outline of their abilities, expertise, experience and references, and scored 75 out of 75 possible points. H2Ology scored 70 out of 75 points in this category. There is no evidence that the scoring team did not do an appropriate review of the materials submitted to determine the scores of the respondents.

Response to #3: The solicitation is a Request for Proposals. Therefore, an award is made to the solution that best meets the City’s needs based on the scoring of

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administrative and technical elements, in addition to pricing. Pricing is only one of multiple elements considered in the scoring.

For the reasons stated herein, your Protest is denied. Pursuant to Section 6.4 of the Procurement Rules, you may appeal this decision within seven (7) calendar days of receipt of the decision.

The City of Mesa Procurement Rules are available at <http://mesaaz.gov/business/purchasing> under Policy Documents.

An appeal should be addressed to me at the address shown at the top of this letter.

Sincerely,



Edward Quedens
Chief Procurement Officer
Business Services Department Director