

**Kerry S. Martin**  
Direct (602) 778-3715  
Kerry.Martin@ogletreedeakins.com

February 18, 2016

Chief Procurement Officer  
City of Mesa  
20 E. Main Street, Suite 450  
Mesa, AZ 85122-1466

Re: Weiser Security Services, Inc. Appeal of City of Mesa Denial of Protest to Award  
Request for Proposals #2016070 Private Security Officer Services (“RFP”)

Chief Procurement Officer:

This firm represents Weiser Security Services, Inc. (“Weiser” or the “Company”) regarding the above referenced matter. Under Section 6.4 of the City of Mesa’s Procurement Rules, this letter represents Weiser’s Appeal to the City of Mesa’s Denial of Weiser’s Protest of Award regarding the Request for Proposals #2016070 Private Security Officer Services (“RFP”).

Many of the facts and legal issues relevant to this matter are contained in Weiser’s Protest [Exhibit 1.] and the Protest Officer’s decision [Exhibit 2.], and are specifically incorporated by reference. There are several factual and legal issues which must be further expanded upon for this appeal because of the Protest Officer’s decision and subsequent events.

The Arizona Supreme Court has held that “[i]n exercising the power to reject any or all bids, and proceeding anew with the awarding of the contract, the officers cannot act arbitrarily or capriciously, but must observe good faith and accord to all bidders just consideration, thus avoiding favoritism, abuse of discretion, or corruption.” *Brown v. City of Phoenix et al.*, 77 Ariz. 368 (1954). Arizona courts have further held that “[a]n agency must follow its own rules and regulations; to do otherwise is unlawful.” *Clay v. Arizona Interscholastic Assoc.*, 779 P.2d 349, 351 (1989). An agency’s failure to follow its own rules constitutes arbitrariness and capriciousness. *Id.* Failing to consider factual information satisfies the arbitrary and capricious standard. *Clay*, 779 P.2d at 352.

The facts here plainly show that the decision to reject Weiser’s Response and award the contract to Trident Security was arbitrary and capricious. As an initial matter, the City failed to follow and uniformly apply the selection criteria contained in the solicitation to Weiser and other Respondents. Responses to the RFP were to be graded on three specific criteria:

(1) Firm's Proposed Solution, including but not limited to

- Training program offered to staff
- Substance abuse & screening methods
- Managerial controls and practices

(2) Firm's Qualifications & Experience, including but not limited to

- References
- Quality of service and reliability

(3) Pricing

Under the City's scoring criteria, the possible points a Respondent could receive for each criteria category were 400, 400, and 200 respectively. In its Protest, Weiser stated that it believed that the City had ruled its Response to be unacceptable because its bid price was too low. In his Response to Weiser's Protest, the Protest Officer stated "Weiser's response was not eliminated 'for bidding too low,' but rather the response was evaluated in its entirety amongst the 15 other responses received for the RFP based on the criteria identified in the solicitation." [Exhibit 2.]

The facts show, however, that Weiser's Response was not "considered in its entirety," but instead was eliminated prior to receiving a full and fair review. Specifically, the references Weiser included in its Response, including the current contractor, ICU, have notified the Company they were not contacted by the City to discuss Weiser's qualifications, quality of service, reliability, or any other issue related to Weiser's bid. [Exhibit 3.] That is concerning given that criteria represented 40% of the possible points that could be awarded to Weiser in the bid process.

It is clear, however, that the City checked Trident's references. Trident received the highest score regarding "Firm's Qualifications & Experience" criteria—receiving 360 out of a possible 400 points. By comparison, Weiser, who has been providing security services for the project since August 2014, received only 100 points. The decision to award only 100 points to Weiser is inexplicable and not supported by the facts. While Weiser has provided Security Services to the City there have been no issues or concerns about its performance, service or reliability. In fact, as Weiser noted in its protest, the City admitted in the pre-bid conference that Weiser was "performing well." The failure of the City to speak with Weiser's references was arbitrary and substantially prejudiced Weiser's Response. *See, e.g., Center for Biological Diversity v. Salazar*, 804 F. Supp. 2d 987, 996 (D. Ariz. 2011) (explaining that arbitrariness standard satisfied by explanation that runs counter to evidence before agency).

This City's failure to interview Weiser's references also raises potential issues regarding different treatment and favoritism among the Respondents by the City. As noted above, the City checked the references and other qualifications of some Respondents (such as Trident) but not others (such as Weiser). This unequal application of the bid criteria is highlighted in City Council Report from

Edward Quedens, Business Services Director, and Matt Bauer, Procurement Administrator, dated February 22, 2016. In that report, Mr. Quedens and Mr. Bauer report to the City Council, in part, that:

Staff from the Library Services; Parks, Recreation and Community Facilities; Arts & Culture; Business Services Departments; and Purchasing; evaluated the 16 responses received based on the evaluation criteria as stated in the solicitation. **14 proposals were deemed not susceptible for award and were not considered further.** Best and Final Offers were requested and presentations were held with the two highest scoring proposals: IPSA Security Services, LLC and Trident Security Services, Inc. **Facilities Maintenance performed reference checks,** and Financial Services completed a financial review.

[Exhibit 4.] (emphasis added)

The findings of the Protest Officer and the statements in Mr. Quedens and Mr. Bauer's report to the City Council cannot be reconciled. Responses, including Weiser's, were "considered in their entirety" or they were deemed unacceptable and were not fully considered—there is no in between. The City's inconsistent explanation regarding how Responses were handled calls into question the entire bidding process and indicates that the City's decision to award the bid to Trident was arbitrary and capricious.

If Mr. Quedens and Mr. Bauer's report is correct, then the City violated Section 4.5 (L) of the Procurement Rules. That Section specifically states that "[a] determination that a Response is unacceptable will state the basis of the decision and be retained in the Procurement File. The Procurement Officer will notify that Respondent of the determination." The Procurement Officer did not notify Weiser that its Response had been deemed "not susceptible for award" and his failure to do so would violate the Procurement Rules.

However, if Mr. Quedens and Mr. Bauer's report is incorrect and Weiser's Response was not disqualified (as the Protest Officer found), then the City (as discussed above) applied the bid selection criteria in an arbitrary and capricious manner by checking the references of some of the Respondents to the prejudice of others, including Weiser and by soliciting bids from only two Respondents. The facts plainly indicate that the bid process was arbitrary and Weiser's Response was not given just consideration.

The City also failed to consider other evidence that Weiser presented which raised substantial concerns about the bidding process. In its Protest, Weiser outlined significant issues regarding ICU employee David Matta's involvement in the bidding process. Mr. Matta oversees Weiser's performance under the current contract for ICU and interacts with Weiser's local management team regularly.

As Weiser stated in its Protest, Mr. Matta approached Weiser about acting as the Company's paid consultant in the bidding process. According to Jim King, Service Coordinator for Weiser, on Friday September 23, 2015, he was having a monthly meeting with Mr. Matta and Hugh Kruggel, Weiser Account Manager, regarding Weiser's performance under the contract. [Exhibit 5.] During that meeting Mr. Matta told Mr. King and Mr. Kruggel that, for a fee, he could represent Weiser in the bid process and given his close relationship with City officials he could guarantee that Weiser would be awarded the contract. Mr. Matta then told Mr. King and Mr. Kruggel "[t]ell (Thomas) Summerville (Weiser Vice President—Service Consultant) to go to the ATM and get cash. Whatever amount he takes out, tell him to double it." Mr. Matta stated further that he wanted \$500 in cash, a pay raise, and a bonus. [Exhibit 5.] Weiser did not take Mr. Matta up on his "offer."

On November 5, 2015, Mr. Summerville and Mr. King met with Mr. Matta in the lobby of the Mesa Arts Center. Mr. Matta asked Mr. Summerville and Mr. King the amount that Weiser had bid in response to the RFP. Since the bid process had already closed, Mr. King told Mr. Matta that Weiser had bid in the "high five hundred thousand range." Mr. Matta responded by stating, among other things, that Weiser's bid was too low and that Weiser was "leaving money on the table." Mr. Matta also told Mr. Summerville and Mr. King if Weiser would have "taken care" of him, that things may have been different.<sup>1</sup> [Exhibit 6.]

To be perfectly clear, Weiser is not accusing Mr. Matta or anyone else of any wrongdoing. Instead, Weiser believes that the issues raised in its Protest and in this Appeal raise significant questions that must be fully vetted by a hearing officer to ensure that the bidding process was conducted in a fair and impartial manner, and without undue influence.

Finally, Weiser appreciates and values its relationship with the City. Weiser has provided responsible and professional security guard services to the City since August 2014. Weiser further believes that it can continue to provide the same superior level of services to the citizens of the City at a considerable savings (approximately \$188,000.00 per year) over the bid currently being considered.

Weiser requests that the decision to award the contract to Trident be stayed and that that the City Manager appoint a hearing officer to hear Weiser's Protest and Appeal under Sections 6.4 (E) and 6.5 of the Procurement Rules.

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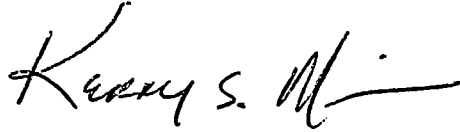
<sup>1</sup> Notably, before the bid results were announced publicly, Mr. Matta appeared to know the exact price for the winning bid and the fact that Weiser's bid would be disqualified.

Chief Procurement Officer  
City of Mesa  
December 9, 2010  
Page 5

Ogletree  
Deakins

Please contact me directly if you have questions or need any additional information.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kerry S. Martin". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Kerry S. Martin

KSM/kmh

23855923.1



**WEISER SECURITY  
SERVICES, INC.**

PO Box 51720 • New Orleans, LA 70151  
504.949.7558 • Fax 504.949.3752

February 2, 2016

**VIA FEDERAL EXPRESS AND E-MAIL - [alcx.deshuk@mesaaz.gov](mailto:alcx.deshuk@mesaaz.gov)**

Mr. Alex Deshuk,  
Chief Innovation Officer  
City of Mesa  
20 E Main Street  
Mesa, AZ 85201

Re: City of Mesa Security Guard Contract

Mr. Deshuk:

I write on behalf of Weiser Security Services, Inc. ("Weiser") in an effort to bring to your attention obvious irregularities in the recent re-bid of security services for the City of Mesa. By way of background, the current contract for said security services (hereinafter, "Contract") is between the City of Mesa and ICU Security Group, L.L.C. ("ICU"). That Contract's term is set to end in late-2016. Weiser has been the sole provider of the security guard services in fulfillment of the Contract between ICU and the City of Mesa as a subcontractor of ICU since August of 2014.

In spite of the fact that the Contract's term does not expire until the end of the current year, the City of Mesa re-bid the Contract in November of 2015. Weiser bid on the job at that time in its own right (and not as a subcontractor of ICU) at ICU's suggestion because ICU does not want to be in the security guard business.

Weiser has been a provider of security guard services for forty-six years and is one of the fifteen largest security guard companies in the country. Weiser's Sales Representative, Jim King, attended the City of Mesa's pre-bid conference where Sharon Brouse of the City of Mesa stated that "the current vendor (Weiser) is performing well."

From an industry standpoint, it should be noted that the current margin between the pay rates and bill rates for the security services provided to the City of Mesa is uncharacteristically high, which results in an unusually high profit margin for the winning security service provider. At the bill rates currently in effect in the Contract, ICU earns \$1.00 per billable hour, which amounts to approximately \$30,000.00 per year, in excess of what Weiser earns as compensation as ICU's subcontractor. It should also be noted that in early November of 2015, David Matta, an ICU employee, solicited Weiser for a consulting fee to ensure Weiser's chances of success of winning the re-bid of the Contract.

Mr. Alex Deshuk  
February 2, 2016  
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When Weiser submitted its proposal in response to the re-bid in November of 2015, Weiser passed the aforementioned \$30,000.00 savings (which was previously paid to ICU when Weiser served as its subcontractor) on to the City of Mesa. Additionally, Weiser bid at responsible market rates (rather than taking advantage of the uncharacteristically high margins) and kept the security officer pay rates the same (rates that are substantially higher than the current market average).

Unfortunately, when Jim King, Weiser's Sales Representative, dropped off Weiser's bid package in response to the re-bid, he saw David Matta of ICU. Mr. Matta asked Mr. King what Weiser bid for the City of Mesa job. When Mr. King informed Mr. Matta of Weiser's bid, Mr. Matta stated: (1) Weiser left too much money on the table; (2) Weiser should have bid \$700,000.00 on the job; and (3) Weiser would be disqualified for bidding too low. Two weeks later, Mr. Matta repeated the same comments to another Weiser Sales Representative, Tommy Summerville, in the presence of King. Subsequently, Weiser received notice that it did not qualify for the job from the City of Mesa (a job that Weiser has been doing well since August of 2014).

The City of Mesa then sent Weiser a Notice of Intent to Award, which named Trident Security Services ("Trident") as the winning bidder at exactly \$700,000.00 per year (ironically, the exact amount Mr. Matta repeatedly advised Weiser should have bid on the job after our bid was submitted). As previously stated, this amount results in an unusually high and almost egregious profit margins for the proposed security service provider (Trident). Unsurprisingly, Trident and David Matta have an ongoing business relationship. Trident is a re-seller of ICU's technology.

Weiser has been providing security services to clients like the City of Mesa for forty-six years, and in fact, Weiser is currently providing security services to the City of Mesa without incident. There is no need for the City of Mesa to overpay \$118,000.00 per year for security services, which amounts to \$354,000.00 over the course of a three year contract. \$354,000.00 is almost enough money to pay for one year of security services under Weiser's proposal.

It is highly suspicious that: (1) Mr. Matta knew the exact amount of the award of the Contract's re-bid before bids were even submitted; (2) that Mr. Matta knew that Weiser would be eliminated for bidding too low; and (3) that the City of Mesa would pay margins for security services that are so much higher than current industry standards when the current security officers can be retained at the same pay rates while still saving the City of Mesa hundreds of thousands of dollars over the course of the contract. Also suspect are Mr. Matta's request for a consulting fee and Mr. Matta's relationship with Trident, the winning bidder.

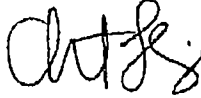
Weiser does not believe that the good citizens of the City of Mesa would be in favor of this award knowing all of the particulars contained in this correspondence, especially in light of the fact that the City of Mesa will be paying a less qualified company (Trident) \$118,000.00 more per year to perform the same work that Weiser currently performs and will continue to perform at a lesser rate if awarded the business.

Mr. Alex Deshuk  
February 2, 2016  
Page 2 of 3

As a result of the foregoing, it is Weiser's intention to protest this bid.

If you wish to discuss this matter further, please feel free to contact me at your convenience at (504) 586-4706 or [christinew@weisersecurity.com](mailto:christinew@weisersecurity.com). Also, our representatives are available to discuss the matter in further detail.

Sincerely,



Christine Lejeune, Esq.  
General Counsel

cc (VIA EMAIL):

Mayor John Giles ([mayor@mesaaz.gov](mailto:mayor@mesaaz.gov))

District 1 Councilmember Dave Richins ([District1@mesaaz.gov](mailto:District1@mesaaz.gov))

District 2 Councilmember Alex Finter ([District2@mesaaz.gov](mailto:District2@mesaaz.gov))

District 3 Vice Mayor Dennis Kavanaugh ([District3@mesaaz.gov](mailto:District3@mesaaz.gov))

District 4 Councilmember Christopher Glover ([councilmember.glover@mesaaz.gov](mailto:councilmember.glover@mesaaz.gov))

District 5 Councilmember David Luna ([councilmember.luna@mesaaz.gov](mailto:councilmember.luna@mesaaz.gov))

District 6 Councilmember Kevin Thompson ([councilmember.thompson@mesaaz.gov](mailto:councilmember.thompson@mesaaz.gov))

City Manager Chris Brady ([commanager@mesaaz.gov](mailto:commanager@mesaaz.gov))

Assistant City Manager Kari Kent ([karolyn.kent@mesaaz.gov](mailto:karolyn.kent@mesaaz.gov))

Assistant City Manager John Pombier ([john.pombier@mesaaz.gov](mailto:john.pombier@mesaaz.gov))

Mr. Alex Deshuk  
February 2, 2016  
Page 3 of 3





20 E Main St Suite 400  
PO Box 1466  
Mesa, Arizona 85211-1466  
CERTIFIED MAIL # 91 7108 2133 3939 4780 2923

mesaaz.gov

February 11, 2016

Ms. Christine Lejeune, Esq.  
Weiser Security Services, Inc.  
PO Box 51720  
New Orleans, LA 70151  
Fax: (504) 943-3752  
Email: christinew@weisersecurity.com

RE: City of Mesa Response to Protest of Award  
Request for Proposals #2016070 Private Security Officer Services ("RFP")

Dear Ms. Lejeune,

This letter will serve as the City of Mesa's ("City") response to your letter received by email on February 2, 2016 in which Weiser Security Services ("Weiser") protests the Award of the RFP referenced above ("Protest"). This letter is submitted to you in accordance with the City of Mesa Procurement Rules ("Procurement Rule(s)") Section 6.3. After reading your letter and reviewing your claims with members of the evaluation team and the Procurement Officer for the RFP, Weiser's Protest is denied and the City replies as set forth below to the arguments set forth in the Protest.

1. **Weiser Claim:** "In spite of the fact that the Contract's term does not expire until the end of the current year [2016], the City of Mesa re-bid the Contract in November of 2015."

**City's Response:** The contract the City has with ICU Security Group, in which Weiser acts as a subcontractor, expires February 28, 2016, not "late-2016" as your letter states. Resoliciting this agreement in November is appropriate given the time it takes to solicit and award a contract.

2. **Weiser Claim:** "Mr. Matta knew the exact amount of the award of the Contract's re-bid before bids were submitted" and "Trident and David Matta have an ongoing business relationship."

**City Response:** Whether or not David Matta and Trident Security Services ("Trident") have an ongoing business relationship that resulted in Mr. Matta having knowledge of information in Trident's response has no bearing on the awarding of the RFP to Trident. Trident's award was based solely on the score it received as a part of the RFP evaluation process.

3. **Weiser Claim:** "Mr. Matta knew that Weiser would be eliminated for bidding too low."

**City's Response:** Weiser's response was not eliminated "for bidding too low," but rather the response was evaluated in its entirety amongst the 15 other responses received for the RFP based on the criteria identified in the solicitation. Please see Attachment A – Evaluation Scores.

4. **Weiser Claim:** The City, in awarding to Trident, would “overpay \$118,000.00 per year for security services, which amounts to \$354,000.00 over the course of a three year contract” and that the City would be paying “margins for security services that are so much higher than current industry standards when the current security officers can be retained at the same pay rates while saving the City of Mesa hundreds of thousands of dollars over the course of the contract.”

**City’s Response:** As set forth in Section 1.25 (Criteria for Evaluation and Award) of the RFP Instructions, pricing is only one factor the City evaluated when determining the most advantageous respondent. All responses were evaluated based on the criteria listed in the solicitation and pricing accounted for 20% of the overall vendor evaluation score. The pricing submitted in Weiser’s response was neither the lowest priced submittal nor the highest priced submittal. In accordance with the Criteria for Evaluation and Award, Weiser’s response was evaluated and, after being scored with all of the other responses submitted in response to the RFP, Weiser did not have the highest overall score (see Attachment A - Evaluation Scores); the highest score was attained by Trident.

In summary, the evaluation committee’s decision to award the contract to Trident was unanimous.

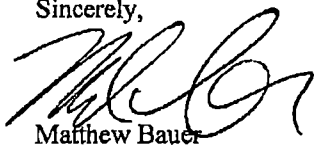
For all of the aforementioned reasons, Weiser’s Protest is denied. Pursuant to Procurement Rule Section 6.4, you may appeal this decision within seven (7) calendar days to the Chief Procurement Officer.

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

Please address all correspondence to:

Chief Procurement Officer  
City of Mesa  
20 E. Main Street, Suite 450  
Mesa, AZ 85122-1466

Sincerely,



Matthew Bauer  
Procurement Administrator

**ATTACHMENT A - EVALUATION SCORES**

<b>Criteria</b>	<b>Points Possible</b>	<b>A-1 Protective Service</b>	<b>Advance Security</b>	<b>Allied Barton Security Services</b>	<b>American Security LLC</b>
Firm's Proposed Solution, including but not limited to: <ul style="list-style-type: none"> <li>• Training program offered to staff</li> <li>• Substance abuse &amp; screening methods</li> <li>• Managerial controls and practices</li> </ul>	400	100	285	302	100
Firm's Qualifications & Experience, including but not limited to: <ul style="list-style-type: none"> <li>• References</li> <li>• Quality of service and reliability</li> </ul>	400	200	310	310	150
Pricing	200	187.98	136.71	139.35	127.5
<b>TOTAL POINTS</b>	<b>1,000</b>	<b>487.98</b>	<b>731.71</b>	<b>751.35</b>	<b>377.50</b>

<b>Criteria</b>	<b>Points Possible</b>	<b>Andy Frain Services</b>	<b>CBI Security Services</b>	<b>Covey Security</b>	<b>CHRC</b>
Firm's Proposed Solution, including but not limited to: <ul style="list-style-type: none"> <li>• Training program offered to staff</li> <li>• Substance abuse &amp; screening methods</li> <li>• Managerial controls and practices</li> </ul>	400	227	266	255	50
Firm's Qualifications & Experience, including but not limited to: <ul style="list-style-type: none"> <li>• References</li> <li>• Quality of service and reliability</li> </ul>	400	260	285	165	300
Pricing	200	154.03	140.95	147.88	133.54
<b>TOTAL POINTS</b>	<b>1,000</b>	<b>641.03</b>	<b>691.95</b>	<b>567.88</b>	<b>483.54</b>

**ATTACHMENT A - EVALUATION SCORES**

<b>Criteria</b>	<b>Points Possible</b>	<b>G4S Secure Solutions</b>	<b>IPSA Security Services</b>	<b>Pro-Em Party &amp; Event Rentals</b>	<b>Securitas Security Services</b>
Firm's Proposed Solution, including but not limited to: <ul style="list-style-type: none"> <li>• Training program offered to staff</li> <li>• Substance abuse &amp; screening methods</li> <li>• Managerial controls and practices</li> </ul>	400		341	200	250
Firm's Qualifications & Experience, including but not limited to: <ul style="list-style-type: none"> <li>• References</li> <li>• Quality of service and reliability</li> </ul>	400		317	150	100
Pricing	200		134.39	178.03	200
<b>TOTAL POINTS</b>	1,000	Non-Responsive	792.49	528.03	550

<b>Criteria</b>	<b>Points Possible</b>	<b>Special Assign Group</b>	<b>Trident Security Services</b>	<b>Vet-Sec Protection</b>	<b>Weiser Security Services</b>
Firm's Proposed Solution, including but not limited to: <ul style="list-style-type: none"> <li>• Training program offered to staff</li> <li>• Substance abuse &amp; screening methods</li> <li>• Managerial controls and practices</li> </ul>	400	100	361	150	150
Firm's Qualifications & Experience, including but not limited to: <ul style="list-style-type: none"> <li>• References</li> <li>• Quality of service and reliability</li> </ul>	400	100	360	200	100
Pricing	200	123.14	126.73	137.67	150.91
<b>TOTAL POINTS</b>	1,000	323.14	<b>847.73</b>	487.67	400.91

## **EXHIBIT 3**



February 16, 2016

Claude Purdy  
Weiser Security  
4020 N. 20<sup>th</sup> Street  
Phoenix, AZ 85016

RE: City of Mesa  
Weiser Security

Dear Claude:

The City of Mesa has not contacted me regarding Weiser Security.

If you have any questions, please feel free to call me at 602-553-2654.

Sincerely,

Karen Scislowski, MBA  
Property Manager

/ks

**Vestar Property Management**  
2000 East Rio Salado Parkway  
Suite 1150  
Tempe, Arizona 85281  
phone: 602.866.0900  
fax: 602.955.2298

**Martin, Kerry S.**

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**Subject:** FW: Thank You

Begin forwarded message:

**From:** Michael Morris <[mmorris@weisersecurity.com](mailto:mmorris@weisersecurity.com)>  
**Date:** February 17, 2016 at 6:21:43 PM CST  
**To:** Christine Lejeune <[christinew@weisersecurity.com](mailto:christinew@weisersecurity.com)>  
**Subject:** Fwd: Thank You

This is what I received back.

Thanks  
Michael Morris

Begin forwarded message:

**From:** Luly Lopez <[Luly.Lopez@ci.oxnard.ca.us](mailto:Luly.Lopez@ci.oxnard.ca.us)>  
**Date:** February 17, 2016 at 4:12:18 PM PST  
**To:** Michael Morris <[mmorris@weisersecurity.com](mailto:mmorris@weisersecurity.com)>  
**Subject:** Re: Thank You

Hi Mr. Morris,

I have not received any phone call from the City of Mesa, AZ. I will email Cynthia to check to see if they called her. Cynthia was volunteering a week after she retired.

>>> Michael Morris <[mmorris@weisersecurity.com](mailto:mmorris@weisersecurity.com)> 2/12/2016 10:33 AM >>>

Luly,

Thank you very much for your time on Tuesday. I appreciate you taking the time to meet with me. I will continue to work with the team to facilitate that we are providing the best service for the Transit Center. The name of the Lead Officer for Oxnard PD is Kathleen Sullivan.

On another note, are you aware if the City Of Mesa AZ has called as a reference for Weiser?

Thanks

MM

**Michael Morris**

Branch Manager

WEISER SECURITY SERVICES, INC.

10044 Pioneer Blvd

Santa Fe Springs, CA 90670

Main: 562-949-0999

Cell: 714-388-2653

Email: [mmorris@weisersecurity.com](mailto:mmorris@weisersecurity.com)

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**Martin, Kerry S.**

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**From:** Ty Sellers <tysellers@weisersecurity.com>  
**Sent:** Tuesday, February 16, 2016 10:02 AM  
**To:** Christine Lejeune  
**Subject:** Fwd: RE: Reference

Sent from Outlook Mobile

----- Forwarded message -----

**From:** "Bill Willm" <rwillm@icusg.com>  
**Date:** Mon, Feb 15, 2016 at 3:02 PM -0800  
**Subject:** RE: Reference  
**To:** "Ty Sellers" <tysellers@weisersecurity.com>

No, I was not called as a reference...



R.W. (Bill) Willm III  
Chief Executive Officer  
ICU Security Group LLC  
(480) 240-9727 Office  
(480) 240-5958 Fax  
(800) ICU-7405 Toll Free  
[www.icubadguy.com](http://www.icubadguy.com)



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**From:** Ty Sellers [mailto:tysellers@weisersecurity.com]  
**Sent:** Monday, February 15, 2016 3:39 PM  
**To:** Bill Willm  
**Subject:** Re: Reference

Thanks

It was for our bid we provided a few months ago. We were just curious if any of our references had been called. I appreciate it.

I hope all is going well with you. Stay in touch.

*Sincerely,*

*Ty Sellers*  
Regional Vice President  
Weiser Security Services Inc.  
770-710-4477

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**From:** Bill Willm <[rwillm@icusg.com](mailto:rwillm@icusg.com)>  
**Sent:** Monday, February 15, 2016 5:35 PM  
**To:** Ty Sellers  
**Subject:** RE: Reference

Hey Ty,

I received a message from a Matt Bauer last week who said he was with the City of Mesa. I have called him back twice and left vm. Have not spoken to him as of yet. What's the reference for and anything you want me to say specifically??



R.W. (Bill) Willm III  
Chief Executive Officer  
**ICU Security Group LLC**  
(480) 240-9727 Office  
(480) 240-5958 Fax  
(800) ICU-7405 Toll Free  
[www.lcubadguy.com](http://www.lcubadguy.com)



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**From:** Ty Sellers [<mailto:ty sellers@weisersecurity.com>]  
**Sent:** Monday, February 15, 2016 2:50 PM

**To:** Bill Willm  
**Subject:** Reference

Bill

I hope you are well. I was curious if you ever received a call from Mesa for a reference from us. We had put you down and weren't sure if they ever called you. Thanks

*Sincerely,*

*Ty Sellers*  
**Regional Vice President**  
**Weiser Security Services Inc.**  
**770-710-4477**

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**Martin, Kerry S.**

---

**Subject:** FW: In Regards to Reference check from City of Mesa to Vestar

From: Hugh Kruggel  
Sent: Saturday, February 13, 2016 10:55 AM  
To: Claude Purdy  
Subject: Fw:

From: Karen Scislowski <[kscislowski@vestar.com](mailto:kscislowski@vestar.com)>  
Sent: Thursday, February 11, 2016 4:27 PM  
To: Hugh Kruggel  
Subject: Re:

Not so far

Sent from my iPhone

On Feb 11, 2016, at 4:01 PM, Hugh Kruggel <[hughk@weisersecurity.com](mailto:hughk@weisersecurity.com)<<mailto:hughk@weisersecurity.com>>> wrote:

Karen,

We utilized you as a business reference for the bid with the City of Mesa. We are just checking to see if anyone contacted you from the city.

Thanks,

Hugh Kruggel  
Account Manager  
Weiser Security Services, Inc.  
(office) 602-861-1300  
(cellular) 480-747-7967

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**Martin, Kerry S.**

---

**Subject:** FW: RE: City of mesa

----- Forwarded message -----

**From:** "Mark Swanson" <[MSwanson@pbcgov.org](mailto:MSwanson@pbcgov.org)>

**Date:** Tue, Feb 16, 2016 at 4:04 AM -0800

**Subject:** RE: City of mesa

**To:** "Gregory Kerr" <[gregk@weisersecurity.com](mailto:gregk@weisersecurity.com)>

Greg:

As we discussed, I do not recall having a conversation with anyone concerning this.

MARK

---

**From:** Gregory Kerr [<mailto:gregk@weisersecurity.com>]

**Sent:** Friday, February 12, 2016 5:30 PM

**To:** Mark Swanson

**Subject:** City of mesa

Mark,

Can you verify no one from the City of Mesa contacted you in reference to a reference on Weiser security?

I appreciate it.

Thanks,

*Gregory Kerr*

Regional Vice President

Weiser Security Services, Inc.

3003 S. Congress Ave #1B

Palm Springs, FL 33461

V-561-628-4186

[gregk@weisersecurity.com](mailto:gregk@weisersecurity.com)

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**EXHIBIT 4**



# City Council Report

**Date:** February 22, 2016  
**To:** City Council  
**Through:** Alex Deshuk, Chief Innovation Officer  
**From:** Edward Quedens, MPA, C.P.M., CPPO, Business Services Director  
Matt Bauer, MBA, CPPO, CPPB, CPSM, Procurement Administrator  
**Subject:** Three-Year Term Contract for Private Security Officer Services for Various City Facilities (Citywide)

## Purpose and Recommendation

Council is requested to approve the Term Contract for Private Security Officer Services as recommended. A committee representing the Library Services; Parks, Recreation and Community Facilities; Arts & Culture; and Business Services Departments; and the Purchasing Division evaluated responses.

The evaluation committee recommends awarding the contract to the highest scored proposal from Trident Security Services, Inc. at \$700,000.00 annually, based on estimated requirements.

## Background / Discussion

The contract will provide security officer services for the following City facilities: the Mesa Arts Center, the Arizona Museum of Natural History, the Main Library, the downtown Customer Service Center, and the East Mesa Customer Service Center. In addition, this agreement also provides a security officer for mobile patrol for the Mesa City Plaza building as well as an Account Manager. All work performed will fall under the category of general security service, but hours and duties will vary according to site.

Staff from the Library Services; Parks, Recreation and Community Facilities; Arts & Culture; Business Services Departments; and Purchasing, evaluated the 16 responses received based on the evaluation criteria as stated in the solicitation. 14 proposals were deemed not susceptible for award and were not considered further. Best and Final Offers were requested and presentations were held with the two highest scoring proposals: IPSA Security Services, LLC and Trident Security Services, Inc. Facilities Maintenance performed reference checks, and Financial Services completed a financial review.

The highest scored proposal, Trident Security Services, Inc., is being recommended for award. Trident is an established local security services vendor specializing in high quality service to public sector agencies including other area municipalities. The evaluation committee feels confident that Trident will deliver quality and professional security officer services to the City. The evaluation committee unanimously agreed on the recommendation.



A protest was received from Weiser Security Services, Inc. on February 2, 2016. The Protest Officer reviewed the issues raised and on February 11<sup>th</sup>, denied the protest. Staff usually waits to resubmit an item with a protest period until after the appeal opportunity has expired. Due to the time sensitivity, the item has been placed on the agenda. Weiser does have an appeal right and if they file an appeal, staff will pull the item from the agenda until the appeal is answered. The protest and the protest response are attached to the agenda item in Legistar.

### **Alternatives**

Council may choose not to authorize the purchase and new responses will be solicited.

### **Fiscal Impact**

The annual contract amount will be funded by the Arts & Culture Department; and Parks, Recreation and Community Facilities Department; operating budget.

### **Coordinated With**

Library Services; Parks, Recreation and Community Facilities; Arts & Culture; Business Services Departments; and Purchasing

### **PURCHASING INFORMATION**

Action: Initial Award

Procurement Type: Request for Proposals

Solicitation Number: 2016070

Vendors Registered: ProcureAZ (604) and Vendor Self Service (114)

Advertising: Arizona Republic, Bid Net, ProcureAZ and Purchasing Website

Responses: 16 (1 Non Responsive)

Local Consideration: Policy did not apply to this procurement (services)

Protests Received: None

Initial Contract Term: Three years

Possible Renewals: Two, one-year renewals subject to future Council consideration

Prices: Future price increases are capped by the Consumer Price Index

Pricing Available to Other Cooperative Agencies: Yes

### **Proposal Responses received from**

A-1 Protective Services, Inc. – San Francisco, CA

Arrowhead Security dba Vet-Sec Protection Agency – Glendale, AZ

Allied Security Holdings dba AlliedBarton Security Services, LLC – Conshohocken, PA

APG Southwest dba Covey Security – Phoenix, AZ

Andy Frain Services – Aurora, IL

Confidential Background Investigations dba CBI Security Service – Phoenix, AZ

Creative Human Resources Concepts LLC dba CHRC – Mesa, AZ

Encore One LLC dba American Security LLC – St. Paul, MN

IPSA Security Services, LLC – Phoenix, AZ

Pro-Em Party & Event Rentals, LLC – Phoenix, AZ

Securitas Security Services USA, Inc. – Phoenix, AZ

Special Assignments Group, LLC – Phoenix, AZ

Trident Security Services, Inc. – Tempe, AZ

U.S. Security Associates dba Advance Security – Phoenix, AZ

Weiser Security Services, Inc. – New Orleans LA

G4S Secure Solutions (USA), Inc. – Phoenix, AZ  
 (Non-Responsive – Vendor had substantial exceptions to the City's Terms and Conditions)

Shetler Security Services – Phoenix, AZ (Late Response)

**Proposal Scoring Results**

Evaluation Criteria / Points Possible	Trident Security Services, Inc.	IPSA Security Services, LLC	AlliedBarton Security Services, LLC	Advance Security
Firm's Proposed Solution, including but not limited to: <ul style="list-style-type: none"> <li>• Training program offered to staff</li> <li>• Substance abuse &amp; screening methods</li> <li>• Managerial controls and practices / 400 Points</li> </ul>	361	341	302	285
Firm's Qualifications & Experience, including but not limited to: <ul style="list-style-type: none"> <li>• References</li> <li>• Quality of service and reliability / 400 Points</li> </ul>	360	317	310	310
Pricing / 200 Points	126.73	134.39	139.35	136.71
<b>Total Points / 1,000 Points</b>	<b>847.73</b>	<b>792.49</b>	<b>751.35</b>	<b>731.71</b>

Evaluation Criteria / Points Possible	CBI Security Service	Andy Frain Services	Covey Security	Securitas Security Services USA, Inc.
Firm's Proposed Solution, including but not limited to: <ul style="list-style-type: none"> <li>• Training program offered to staff</li> <li>• Substance abuse &amp; screening methods</li> <li>• Managerial controls and practices / 400 Points</li> </ul>	266	227	255	250
Firm's Qualifications & Experience, including but not limited to: <ul style="list-style-type: none"> <li>• References</li> <li>• Quality of service and reliability / 400 Points</li> </ul>	285	260	165	100
Pricing / 200 Points	140.95	154.03	147.88	200
Total Points / 1,000 Points	691.95	641.03	567.88	550

Evaluation Criteria / Points Possible	Pro-Em Party & Event Rentals, LLC	A-1 Protective Services, Inc.	Vet-Sec Protection Agency	CHRC
Firm's Proposed Solution, including but not limited to: <ul style="list-style-type: none"> <li>• Training program offered to staff</li> <li>• Substance abuse &amp; screening methods</li> <li>• Managerial controls and practices / 400 Points</li> </ul>	200	100	150	50
Firm's Qualifications & Experience, including but not limited to: <ul style="list-style-type: none"> <li>• References</li> <li>• Quality of service and reliability / 400 Points</li> </ul>	150	200	200	300
Pricing / 200 Points	178.03	187.98	137.67	133.54
Total Points / 1,000 Points	528.03	487.98	487.67	483.54

Evaluation Criteria / Points Possible	Weiser Security Services, Inc.	American Security LLC	Special Assignments Group, LLC
Firm's Proposed Solution, including but not limited to: <ul style="list-style-type: none"> <li>• Training program offered to staff</li> <li>• Substance abuse &amp; screening methods</li> <li>• Managerial controls and practices / 400 Points</li> </ul>	150	100	100
Firm's Qualifications & Experience, including but not limited to: <ul style="list-style-type: none"> <li>• References</li> <li>• Quality of service and reliability / 400 Points</li> </ul>	100	150	100
Pricing / 200 Points	150.91	127.5	123.14
Total Points / 1,000 Points	400.91	377.5	323.14

**AWARD RECOMMENDATION**  
***Trident Security Services, Inc.***  
**Tempe, AZ**

Description
Private Security Officer Services per Contract No. 2016070 Scope of Work, Pricing and Compensation as offered, and Mesa Special Terms and Conditions  <p align="center"><b>Annual Contract Amount: <u>\$700,000.00</u></b></p>

**EXHIBIT 5**

# Statement

Prepared by Jim King 02/15/2016

## Statement of Fact:

I am a Service Coordinator for Weiser Security Services, Inc. ("WSS") and have occupied that position since approximately April 6, 2015. Prior to my first hosting of a luncheon on behalf of WSS with Dave Matta of ICU, I accompanied Kruggel on several Service Call Reports ("SCR") meetings with Matta in the summer of 2015. It is my recollection that Matta provided high scores on these SCR reports and was fairly low key in demeanor.

On Friday, September 25, 2016, Kruggel and I took Matta to lunch at Red Lobster to conduct the monthly SCR review. I recall Matta filling out the form and scoring Weiser's performance with all "fives" and "sixes," with six being the highest possible mark.

I then informed Matta that I would be with Mickey Weiser (WSS CEO), Len Kline (WSS COO) and Ty Sellers (WSS RVP) while in Southern California the following week at the ASIS Convention. I asked Matta if he wanted to pass on any messages or feedback to me and that I would pass his feedback on to the Executives on his behalf. At this point Matta indicated that, when the contract goes out to bid, that he (Matta) would be available to represent us. Matta went on to indicate that, for a fee, he would prepare our bid response, ensure that verbiage was correct (consist to be considered a qualified bid response) and even present to the City of Mesa on our behalf. Matta indicated that, based on his close relationship with City Officials, he could guarantee that we would be awarded the contract. He then stated, "Tell Summerville to go the ATM and get cash. Whatever amount he takes out, tell him to double it." Tommy Summerville is another Service Coordinator for WSS who worked with ICU when WSS obtained the subcontract of the City of Mesa job from ICU. Still unsure as to what amount Matta wanted from us, I asked "what amount are we talking about to make you happy?" His response was "\$500.00 cash, plus a bonus and a pay raise." He also insisted on Mr. Weiser flying to Phoenix to meet with him personally. While not fully understanding what had just occurred, I assured Matta that I would relay his message as promised. Kruggel was present during the entire conversation.

On Tuesday, September 28, 2015 I briefed Mr. Weiser, Kline and Sellers on the nature and content of the meeting we had with Matta the previous week. Mr. Weiser asked me when the contract was due for bid, I told him that I thought it wasn't up until at least June of 2016 but that I wasn't exactly sure.

On Wednesday, September 29, 2015 I received (on my WSS email account) an on-line formal invitation to bid on the City of Mesa AZ Performing Art Centers Security Officer Services bid. I forwarded the initiation to Bid link to WSS's Executive Team.

On Tuesday, November 3, 2015, in advance of our RFP submission, I requested a meeting with Matta. I asked for the meeting as we understood Matta was not intending to remain at The Mesa Arts Center under the new contract/contractor. As I had knowledge of the WSS bid price, I

  
02/15/16

knew that WSS had lowered the Account Manager / Post Commander (PC) salary from roughly \$60K per year (Matta's salary) to roughly \$45K per year. I / we wanted to confirm Matta was not staying prior to turning in our response at the lower PC rates thus giving us a chance to change our numbers prior to submission. It was at that meeting that Matta informed me that we would be disqualified for not proposing a salary of equal to or greater than \$60,000.00 per year. He went on to add that \$80,000.00 per year would not be out of the question nor put WSS over the bid cost limit. It was at this point that Matta went on to explain every perceived slight made by WSS against him. He went on for what I would say was 45-60 minutes. His tone and body language were both hostile and aggressive. Matta and I were the only two present during this exchange.

After the meeting I called Sellers and briefed him on Matta's feedback. After a few minutes of discussion, Sellers direct me to submit the bid "as is" or words to that effect, which I immediately did.

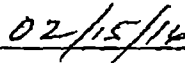
On Thursday, November 05, 2015 Summerville, Matta and I met in the Mesa Arts Center Lobby. Matta asked what our bid amount had been, saying it was okay to divulge our price as all sealed bids were in. I told Matta that we were in the "high five hundred thousand range" or words to that effect. While in my and Summerville's presence Matta stated, "You could have went to \$700,000.00. You left \$100,000.00 on the table." Matta went on to state again that we would be disqualified for coming in too low. Summerville was present during the entire conversation.

The information contained in this document is accurate and true to the best of my knowledge and recollection.



Jim King, Weiser Security Service (WSS)

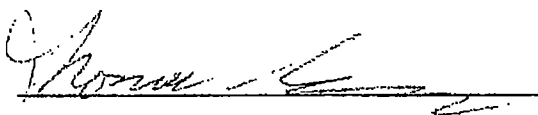
Service Coordinator



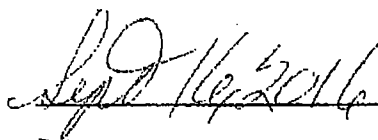
Date

Statement of Thomas Summerville

I am the Vice President – Service Consultant for Weiser Security Services, Inc. (“WSS”). On or about November 5, 2015, I met with Dave Matta of ICU and Jim King, a WSS Service Coordinator, in the City of Mesa Arts Center Lobby regarding WSS’s bid on the Request for Proposals issued by the City of Mesa on or about September 29, 2015 (“RFP”). Mr. Matta asked me and Mr. King the amount that Weiser bid in response to the RFP. Mr. King stated that WSS bid in the high five hundred thousand range.” Mr. Matta responded by stating that WSS’s bid was too low and that WSS was leaving money on the table. Mr. Matta also told me that if WSS had “taken care” of him, things may have been different.



Thomas Summerville



Date

Vice President – Service Consultant