

November 13, 2019

To: Edward Quedens, Chief Procurement Officer
City of Mesa, Procurement Office
20 E Main St, Suite 400
PO Box 1466
Mesa, AZ 85211-1466
Fax: (480) 644-2687
Email: ed.quedens@mesaaz.gov

From: James Maushart, Owner
Metroaqua LLC, Manufacturing Representative for SebaKMT / Megger
9360 W Flamingo Ave, Suite 100
Las Vegas, NV 89147
Phone: (702) 960-5441
Email: aquaman@metroaqua.net

RE: Formal Protest of Intent to Award (**SOLICITATION # 2020063**)

Dear Mr. Quedens,

This is a formal protest of the intent to award, dated November 6, 2019, regarding solicitation #2020063 for Electronic Water Leak Monitoring System to Construction Product Marketing LLC. I believe my proposal was not given fair consideration in the decision-making process by your department and humbly request an appeal of that decision.

My proposal met all the requirements set forth in the solicitation of "Name Brand or Equal" as well as the minimum specifications, appropriate training qualifications, and a quoted price far less than the amount awarded to the above solicitor. In a phone conversation with Ted Stallings of your department approximately one week after the proposal was submitted, I answered all his technical questions and explained the reason my firm did not quote the 60 Correlating Loggers and instead offered two options of 60 N3 survey loggers or 44 N3 survey loggers and 16 Correlating Loggers (C30), was the fact in my extensive field experience, the sole correlating logger route proposed is not only time and labor intensive for installation and downloading, it is ultimately ineffective as to its purpose considering the fact the technician will still have to utilize a correlator after the fact in order to locate the source of the leak. I offered a far less expensive alternative in price, time and labor. My proposal also showed how the N3 survey logger system is upgradable to a cloud-based solution. All equipment presented is equal or exceeds the specifications set forth in the proposal and it does so at much lower price.

I am requesting a formal reevaluation of the proposal or a forum to explain my protest more fully. I have attached the pages from my original proposal for further consideration by your department and will be happy to answer any additional questions you may have. Thank you for your consideration.

Sincerely,

James Matthew Maushart

James Maushart, Owner

MetroAqua LLC, Manufacturing Representative for SebaKMT / Megger



December 27, 2019

Mr. James Maushart
Metroaqua LLC
9360 West Flamingo Avenue, Suite 100
Las Vegas, NV 89147

RE: Protest Response – RFP 2020063 Electronic Water Leak Monitoring System

Mr. Maushart:

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

- Per the Procurement Rules, your protest contained the required content and was timely received on November 13, 2019.
- The attachments to your protest are the same documents that were contained in your Response and therefore were considered by the evaluation committee.
- 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. Of the proposals received, the two options submitted by your firm scored second (Option #1) and third (Option #2).

	Possible Points	Construction Product Marketing, LLC	Global Data Specialists	AVO Multi-AMP Corp Option #1	AVO-Multi-AMP Corp Option #2
General Information and References	50	50.00	40.00	38.00	38.00
Specification Compliance	350	350.00	277.20	331.80	331.80
Firms Acceptance of City's Terms and Conditions	50	50.00	50.00	50.00	50.00
Proposed Cost	150	150.00	100.18	103.73	75.03
Overall response of RFP	25	25.00	22.50	12.50	12.50
Evaluation Score	625	625.00	489.88	536.03	507.32
Ranking		1	4	2	3

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In your protest, you assert:

- 1) "my proposal was not given fair consideration in the decision-making process by your department"
- 2) "My proposal met all the requirements set forth in the solicitation of 'Name Brand or Equal' as well as the minimum specifications, appropriate training qualifications..."
- 3) "...and a quoted price far less than the amount awarded to the above solicitor".
- 4) You attached various sections from your Response and included a summary of why your firm, "...did not quote the 60 Correlating Loggers and instead offered two options..." that your firm suggests are advantageous.
- 5) And finally, you "request an appeal of that decision" and request "a formal reevaluation of the proposal or a forum to explain my protest more fully."

I will address each of these assertions in turn.

Response to #1: The proposal responses were evaluated by representatives of the Water Resources Department and the process was overseen by Purchasing. All responses were evaluated under the same scoring system and were based on the documents submitted. There is no evidence to support your claim that your written proposal was not given fair consideration.

Response to #2: Your proposal was not disqualified for not meeting the requirements or minimum specifications. Rather, your firm's Response did not receive the highest score. Scoring is a number between zero and the points possible, not all-or-nothing. The RFP had an "or-equal" requirement and each respondent's proposal is a unique solution. Respondents' scores vary based on how well each response meets the criteria and which solution best meets the City's needs, as determined by the evaluation team. Meeting the requirements and minimum specifications does not mean that your proposal will receive the highest score and best meet the City's needs.

Response to #3: As stated in response to #2 above, an award is made to the solution that best meets the City's needs based on the scoring of administrative and technical elements, in addition to pricing. Pricing is only one of multiple elements considered in the scoring.

Response to #4: The attachments to your protest were included in your Response and therefore were considered by the evaluation team. In addition to the attachments, your protest includes an explanation of why the products proposed by your firm are advantageous. Only the information submitted with the Response is considered by the evaluation team. Section 4.16 of Mesa's Procurement Rules provides that a Respondent may modify its Response prior to the Due Date, if the request for modification is received in writing before the Due Date. There are no oral modifications. Additionally, Mr. Stallings is not on the evaluation committee. In sum, the information and explanation included in your protest was not part of your Response and was not

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considered. A protest is not the forum to provide additional information for the team to consider, as the evaluation process is now complete

Response to #5: Article 6 of Mesa's Procurement Rules sets forth the rules and procedures for protesting. Your protest was considered and evaluated according to those rules and processes.

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,

A handwritten signature in blue ink, appearing to read "Edward Quedens", with a long horizontal flourish extending to the right.

Edward Quedens
Chief Procurement Officer
Business Services Department Director