

From: [Randy Durfee](#)
To: [Matt Bauer](#)
Cc: [Cheryl Noll](#); [Kristy Garcia](#)
Subject: Protest SOLICITATION # 2021063, EMPLOYEE UNIFORM GARMENTS
Date: Monday, February 15, 2021 1:09:47 PM
Attachments: [image006.png](#)
[image010.png](#)
[image011.png](#)

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Protest SOLICITATION # 2021063, EMPLOYEE UNIFORM GARMENTS

Dear Sir,

International Corporate Apparel, has worked with and service the City of Mesa since 1998, We supply uniforms, apparel and sponsored numerous safety and training programs, to the City of Mesa.

To evaluate International Corporate Apparel, base location vs past performance and service to the city makes no sense to me.

International Corporate Apparel (ICA)

- Located in Tucson but has Phoenix stocking location

True

- No local retail facility

True

- Experience with local government and government references

28 Years

- Website not current functionality but will create a website for the City

Faults, ICA has had a website for over 10 years. www.ica-usa.com that site has been used with the City of Mesa for years, along its own Preferred Group store.

- Allowance and vouchers can be used

True

- On-site measuring. Weekly Tues and Thurs. Appts as needed.

ICA has always accommodated the needs of the City of Mesa, with onsite sizing, that being preference of the City of Mesa

- One dedicated sales rep

This sales rep has been dedicated to the City of Mesa for 22 years.

- Return policy is difficult

The return authorization form was requested by the City of Mesa in tracking returns or damaged product.

- No minimum order but charges freight on orders under \$150

The \$150.00 min charge was a part of the last bid, ICA has not charged the City of Mesa any minimum charges

- In house embroidery, seamstress, and printing

True

Preliminary And Final Scoring

Evaluation Criteria	Points Possible	Ace Uniforms	ICA	Mission
Firm's Qualifications and Experience	250	240	200	225
Firm's Proposed Solution/Method of Approach	450	440	375	400
Pricing	300	251	300	263
Total	1000	931	875	888

The point I am trying to make is that, to score ICA with at lowest performance out of three, is not knowing the vendors that have serviced you the past 22 years, seems shocking.

International Corporate Apparel, is the only local Arizona business, along with being the only "Arizona Small Business Enterprise" on this bid.

This means the dollars you spent here stay in Arizona and allow small businesses in Arizona to survive, thought these trying time with the Covid 19.

As far as the pricing goes, you can see International Corporate Apparel, has always tried and been competitive in the market, in this case the most competitive.

There for I don't see the **fiscal responsibility, of the City of Mesa** to purchase uniform item at a higher cost base on location.

What I am asking that you re-review International Corporate Apparel, based on

performance, not a piece of paper, in hopes we can continue working with the City of Mesa as a main vendor or alternative vendor in this contact.

Thanks, for your time, I look forward to your response, have an awesome day.

Sincerely,

Randy Durfee
ICA, INC.
2909 N El Burrito Ave
Tucson, AZ 85705
P: 520-293-6790
C: 520-419-6790
F: 520-293-6795
W: www.ica-usa.com

“Do Not Go Where The Path May Lead, Go Instead, Where There is No Path and Leave a Trail”





February 24, 2021

Randy Durfee
International Corporate Apparel (ICA) *Sent Via email to:*
2909 N. El Burrito Ave Randy_Durfee@ica-usa.com
Tucson, AZ 85705

RE: City of Mesa Response to Protest
Request for Proposal #2021063 ("Solicitation")
Employee Uniform Garments

Dear Mr. Randy Durfee,

This letter is submitted to you in accordance with the City of Mesa Procurement Rules ("Procurement Rule(s)") Section 6.3 and will serve as the City of Mesa's ("City") response to your letter received by email on February 15, 2021 in which International Corporate Apparel ("ICA") protests the Solicitation Award ("Protest"). In order to issue this response to the Protest, the City reviewed the claims made in the Protest and discussed the claims with the evaluation committee and staff from the City's purchasing office. The City responds to each claim made by ICA in the Protest as follows:

ICA Claim #1: "The point I am trying to make is that, to score ICA with at lowest performance out of three, is not knowing the vendors that have serviced you the past 22 years, seems shocking."

City Response: In evaluating responses to a Request for Proposal ("RFP"), the City may consider past performance of a contractor under any agreement with the City (See Notice of Solicitation #2021063, Instruction #7). Additionally, responses to an RFP will be evaluated against the criteria set forth in the Solicitation (Procurement Rule Section 4.5(D)) and the evaluation committee will recommend an award to the respondent determined to be in the best interest of the City as defined in the Solicitation (Procurement Rule Section 4.5(M)). ICA's claim regarding its prior contract with the City was discussed with each member of the evaluation committee. All evaluation committee members identified having worked directly or indirectly with ICA for Uniform Garment Purchases under the previous agreement (contract #2016228). The evaluation committee members confirmed that they did consider ICA's past performance with the City during the evaluation process. Upon considering past performance and evaluating ICA's response against the Solicitation criteria, ICA received the lowest score of the respondents.

ICA Claim #2: "International Corporate Apparel, is the only local Arizona business, along with being the only "Arizona Small Business Enterprise" on this bid.

This means the dollars you spent here stay in Arizona and allow small businesses in Arizona to survive, thought these trying time with the Covid 19."

City Response: While the City recognizes the importance of doing business locally, the City is not required to award a contract to a local vendor. ICA's response was evaluated against the criteria set forth in the Solicitation and ICA received its score based on that evaluation.

ICA Claim: “As far as the pricing goes, you can see International Corporate Apparel, has always tried and been competitive in the market, in this case the most competitive.

There for I don’t see the fiscal responsibility, of the City of Mesa to purchase uniform item at a higher cost base on location.”

City Response: Price is only one factor considered in the evaluation of responses to an RFP, along with qualifications, experience, and the solution proposed (See Procurement Rule Section 4.5). While price plays a significant factor in the overall score (30% in this Solicitation), the vendors selected for award were the highest overall scored respondents, considering all factors, and were determined by the evaluation committee as the most advantageous for the City to award to (See Procurement Rule Section 4.5).

ICA Request: “What I am asking that you re-review International Corporate Apparel, based on performance, not a piece of paper, in hopes we can continue working with the City of Mesa as a main vendor or alternative vendor in this contact.”

City Response: This claim was discussed with each member of the evaluation committee. Each evaluation committee member identified that they did consider ICA’s past performance with the City and evaluated its response against the Solicitation criteria in determining ICA’s evaluated score.

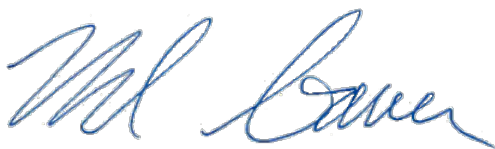
After reviewing the allegations in the Protest and discussing the evaluation with the evaluation committee members, the City did not find a valid basis to protest this award. For the aforementioned reasons, your Protest is denied. Pursuant to Procurement Rules Section 6.4, you may appeal this decision 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 85201

Sincerely,

A handwritten signature in blue ink, appearing to read "Matthew Bauer".

Matthew Bauer
Procurement Administrator

Ed Quedens

From: Randy Durfee <Randy_Durfee@ica-usa.com>
Sent: Tuesday, March 2, 2021 3:18 PM
To: Ed Quedens
Cc: Chris Kimminau Esq. (cjkimminau@msn.com)
Subject: City of Mesa Response to Protest letter February 24, 2021, Matt Bauer
Attachments: response Letter Ed .docx

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Good Afternoon Ed,

The attached letter is response to RE: Matt Bauer, Procurement Administrator, City of Mesa Response to Protest, Request for Proposal #2021063 (“Solicitation”) Employee Uniform Garments. February 24th , 2021.

I look forward to your review and your response to this letter. International Corporate Apparel, thanks the City of Mesa for the years of business and allowing us to continued servicing of your uniform needs through this process, but asks them to take a broader View of what Covid-19 has done to the services and supply chain of many products, along taking some compassion in how it has effected Small Business Enterprise in Arizona.

Thanks for your time! Have and awesome afternoon!

Respectfully,

Randy Durfee
ICA, INC.
2909 N El Burrito Ave
Tucson, AZ 85705
P: 520-293-6790
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F: 520-293-6795
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Mr. Edward Quedens
Chief Procurement Officer
City of Mesa
20 East Main Street, Suite 450
Mesa, Arizona 85211-1466
Email: Ed.Quedens@MesaAZ.gov

RE: Matt Bauer, Procurement Administrator
City of Mesa Response to Protest
Request for Proposal #2021063 ("Solicitation")
Employee Uniform Garments

In Kristy second response to ICA, Inc she stated following;

From: Kristy Garcia <Kristy.Garcia@mesaaz.gov> Sent: Tuesday, February 16, 2021 7:15 AM To: Randy Durfee <Randy_Durfee@ica-usa.com> Subject: RE: Protest SOLICITATION # 2021063, EMPLOYEE UNIFORM GARMENTS

Hi Randy,

The committee did evaluate past performance and they don't want to do business with you anymore. Customer service has been horrible and documented by these departments. You might say you will do this in your response but the committee knows you won't based on past performance. Matt will respond accordingly to your protest.

Thank you.

One of the questions yet to be answered from Kristy Garcia, if there were issues in service? Why was ICA not contacted by her being the Procurement Supervisor. Why was ICA not allowed to respond? Why has ICA yet to be copied on the documents or contacted to discuss the issues? Stated by her: "Customer service has been horrible and documented by these departments"





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The City of Mesa:

4.13 Request for Information

All documents, whether attached or incorporated by reference, issued to Vendors for the sole purpose of seeking information about the availability of Materials, Concessions or Services in the commercial marketplace.

The Procurement Officer may issue a Request for Information to obtain data about Materials, Services or Concessions available to meet a specific need. Adequate Public Notice as specified in Section

4.2(B) will be provided. Requests for Information may be submitted by Vendors through hard copies or electronic submission, including email. A Request for Information does not meet the requirements of Competitive Selection and Responses cannot be accepted to form a binding Contract.

International Corporate Apparel, Inc.,

Is requesting all the documents mention in Kristy Garcia's, response along with, what scoring criteria was used? copies of the information the committee members submitted in detail, along with the information they consider, what were the sources of that information, the minutes of the meeting or a copy of the video if done remotely and who led your scoring of, International Corporate Apparel.

After 22 years of serving the City of Mesa, with no communication from Kristy Garcia Procurement Supervisor, of the uniform bid, concerning any issues, how does she come to this conclusion; "The committee did evaluate past performance and they don't want to do business with you anymore. Customer service has been horrible and documented by these departments"

Covid-19 disrupted and stopped large amounts of the clothing Manufacturing worldwide. Which have created huge problems in out of stocks, relating to service issues, which I documented and shared with you. the Impact on Covid-19 issues, are not expected to get back to norm till mid to late summer this year.





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Changing Vendors and discrediting International Corporate Apparel, does not resolve that problem, we all buy from the same manufactures. It is a supply chain issue; you cannot tell me that you do not have issues with other vendors that depend on the world supply chain.

4.43

- *Addition of Contractors to a Qualified Vendor List Contract Award*

In the case of a Qualified Vendor List Contract Award, additional Respondents may be added to the Qualified Vendor List throughout the term of the contract if the Procurement.

- *City's needs or to ensure adequate competition on any project or Task Order work.*

Arizona small businesses pump \$191 billion into annual economy

Report illustrates how important small companies are to state

ASBA commissioned the report to illustrate how important small companies and sole-proprietor businesses are to Arizona and how important it is to help them survive the final throes of the pandemic.

Among the findings:

Small companies account for 99.4 percent of all businesses in the state. Of the 595,764 businesses, 592,485 are small companies

Approximately 486,000 of these small companies are self-employed operators

Small companies employ about 1.6 million of Arizona's 2.9 million workers

Small businesses create \$71.3 billion in annual wages and income

Small companies generate \$10 billion in tax revenues for state and local governments annually

Special Report on Coronavirus and Small Business in Arizona

U.S. Chamber of Commerce Small Business Index is issuing results from a special survey this month on the impact of COVID-19 on the U.S. small business community.





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This survey shows that sentiment is significantly diminished compared to last quarter,1 despite some longer-term optimism.

With high levels of concern about COVID-19 reported in every sector and region of the country, one in four small businesses (24%) report having already temporarily shut down. Among those who haven't shut down yet, 40% report it is likely they will shut temporarily within the next two weeks. Forty-three percent believe they have less than six months until a permanent shutdown is unavoidable. Nearly half of small businesses (46%) believe it will take the U.S. economy six months to a year to return to normal.

But even in the midst of this negativity, there is hope that small businesses will get the help, from the local, State and federal governments entities understanding and the crisis and need to support Small businesses in a time of need.

International Corporate Apparel, Inc., Is requesting That the City of Mesa in this case, to be added to the Qualified Vendor List Contract Award for Request for Proposal #2021063 ("Solicitation") Employee Uniform Garments

We thank you for the many years of business, along with continuing servicing of your uniform and safety apparel needs. I look forward to your response, thanks for your time, have an awesome day!

Respectfully,

Randy Durfee

ICA, INC.

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PO Box 1466
Mesa, Arizona 85211-1466

BUSINESS SERVICES

mesaaz.gov

March 8, 2021

Randy Durfee
International Corporate Apparel (ICA)
2909 N. El Burrito Ave
Tucson, AZ 85705

Sent Via email to:
Randy_Durfee@ica-usa.com

Sent Via fax to:
(520) 293-6795

**RE: Protest Decision Appeal
Request for Proposal #2021063 (“RFP”)
Employee Uniform Garments**

Mr. Durfee:

I received your letter emailed to me on March 2, 2021 regarding the RFP. I am treating your letter as an appeal of Mr. Bauer’s protest decision (“Appeal”). Although ICA did not attach a copy of the original protest and a copy of the protest decision, as required by Procurement Rules Sections 6.4(B)(1) and (2), respectively, in analyzing the Appeal, I reviewed the original protest sent to Mr. Bauer via email on February 15, 2021 (“Protest”) and the protest decision issued by Mr. Bauer on February 24, 2021 (“Protest Decision”). The Appeal brings up three topics: (1) concerns related to correspondence from Kristy Garcia to ICA; (2) the benefit of contracting with a local, small business; and (3) ICA’s supply chain issues related to COVID-19. This decision will address each of those topics.

For the reasons stated below, I am dismissing the Appeal pursuant to Procurement Rules Section 6.4.

I. The Appeal does not contain the “precise factual or legal error in the protest decision from which an appeal is taken” (Procurement Rules Sections 6.4(B)(3) and 6.4(C)).

First, Kristy Garcia’s correspondence with ICA was not a component of the Protest Decision and therefore is not a “factual or legal error in the protest decision” from which the Appeal can be taken.

Second, the local, small business argument is a mere continuation of the same argument contained in the Protest. Mr. Bauer responded to these arguments in the Protest Decision, stating:

While the City recognizes the importance of doing business locally, the City is not required to award a contract to a local vendor. ICA's response was evaluated against the criteria set forth in the Solicitation and ICA received its score based on that evaluation.

The Appeal does not identify a “precise factual or legal error” with this Protest Decision. Further, the RFP did not include any preference or consideration for small businesses. If you felt this was a defect in the RFP specifications, the issue should have been raised or protested with the Protest Officer no later than 6:00 P.M. four (4) days before the solicitation opening per Procurement Rules Section 6.2(A).

For these reasons, the Appeal does not meet the requirement of Procurement Rules Section 6.4(B) and is dismissed pursuant to Procurement Rules Section 6.4(C).

II. The Appeal contains arguments not included in the Protest which are dismissed pursuant to Procurement Rules Section 6.4(C).

Regarding the argument of supply chain issues that ICA claims are due to COVID-19, this claim was not a part of the Protest sent to Mr. Bauer. Thus, that argument cannot now be made in the Appeal and is dismissed pursuant to Procurement Rules Section 6.4(C).

III. The “Request for Information” is an improper application of the Procurement Rules but will be treated as a public records request to the City.

The Appeal improperly attempts to use Procurement Rules Section 4.13 to request information from the City. A Request for Information is a solicitation tool for the “sole purpose of seeking information about the availability of Materials, Concessions or Services in the commercial marketplace.” Despite a Request for Information not being the appropriate means by which to request documentation from the City regarding ICA’s past performance under a contract and regarding the RFP evaluation process, I am treating the following portion of the Appeal as a public records request:

International Corporate Apparel, Inc.,

Is requesting all the documents mention in Kristy Garcia's, response along with, what scoring criteria was used? copies of the information the committee members submitted in detail, along with the information they consider, what were the sources of that information, the minutes of the meeting or a copy of the video if done remotely and who led your scoring of, International Corporate Apparel.

Randy Durfee – ICA

March 8, 2021

Page 3 of 3

After 22 years of serving the City of Mesa, with no communication from Kristy Garcia Procurement Supervisor, of the uniform bid, concerning any issues, how does she come to this conclusion; “The committee did evaluate past performance and they don’t want to do business with you anymore. Customer service has been horrible and documented by these departments”

The City will separately respond to this Public Records Request pursuant to the requirements of A.R.S. §§ 39-101 through 39-161. Please note, records regarding the RFP evaluation will not be disclosed until after a new contract is executed, pursuant to Procurement Rules Section 4.5(S).

Sincerely,

Edward Quedens
Business Services Director
Chief Procurement Officer