



# MEMORANDUM

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**DATE: December 19, 2018**

**TO: Billy Sassi  
Parks and Recreation**

**FROM: Jeffrey Whiting  
Department of Procurement**

**SUBJECT: DESIGNATION OF CONTRACT REPRESENTATIVE**

You have been designated the City's Contract Representative for City of Tucson **CONTRACT NO. 192051 – Swimming Pool Supplies, Including Chemicals, Equipment, and Related Services & Materials**. As Contract Representative, you will interact directly with the Contractor to ensure compliance with the contract terms and provisions.

In order to fulfill your duties and responsibilities on behalf of the City, you must:

1. Be thoroughly familiar with the terms and provisions of the contract;
2. If applicable, after award of the contract issue a written notice to proceed (“NTP”) to the Contractor with a copy of the NTP to Procurement for inclusion in the official contract file;
3. Advise the contractor in writing, **with copy to Procurement**, of any violation of the contract terms and provisions, and in the event significant violations occur, contact the City Department of Procurement for direction;
4. Review any proposed or suggested changes (i.e. amendments) to the contract, and furnish your recommendations for Procurement’s authorization prior to proceeding;
5. Promptly accept delivered goods or services, which are satisfactory, and reject those, which are not;
6. Review Contractor invoices thoroughly. Where inaccuracies are found, ensure correction by the Contractor before approval is provided for payment. Invoices must be submitted in accordance with the contract terms;
7. Ensure that a copy of any final reports generated by the Contractor, if required under the contract, are forwarded to Procurement for inclusion in the contract file.

You **are not** authorized to take the following actions:

1. Amend the contract or enter into supplemental verbal or written agreements;
2. Grant time extensions or otherwise modify the terms and provisions of the contract;
3. Commit the City of Tucson in any manner except as allowed under the contract.

Compliance with these policies will, among other things, provide a clear audit trail of City contracts and, most importantly, help prevent potential legal entanglements. Additionally, in accordance with Chapter XV of the Tucson City Charter, any officer or employee of the city, who intentionally or knowingly contracts for or purchases any material services or construction in a manner contrary to the requirements of the Charter or the Tucson Procurement Code may be deemed guilty of a misdemeanor and may be removed from office or terminated from employment.

Please indicate your understanding of and concurrence with the provisions of this document, applicable language in the Charter and the Tucson Procurement Code by signing below and returning the original to Procurement. Completion of this form is required prior to authorizing any work under the contract. Your responsibilities cannot be delegated without proper written notification to the City's Department of Procurement.

This department looks forward to providing any needed assistance throughout the term of the contract. Please do not hesitate to contact us should you have any questions.

**Billy Sassi**

Printed Name

*Billy Sassi*  
Signature

12/19/18  
Date



**EVALUATION COMMITTEE MEMBER STATEMENT**  
**Swimming Pool Supplies, Including Chemicals, Equipment, and Related Services & Materials.**  
**REQUEST FOR PROPOSAL NO. 192051**

Dear Committee Member:

You have been selected to participate in the evaluation of proposals that have been received as the result of the above referenced solicitation. Your selection was based upon your technical qualifications in this area and your ability to develop an objective analysis of each proposal.

It is essential that the integrity of the evaluation process be maintained to insure that each offeror is given fair and equal consideration. Your familiarity with particular firms and/or individuals may tend to influence your evaluation; however, you are required in this specific instance to be particularly objective and guard against any tendency that might slant your evaluation in favor of a personal preference.

You are required to report to the Procurement representative named below any actual or potential conflict of interest as defined in A.R.S. Title 38, Article 8. In addition, you must report to the Director of Procurement the existence of any personal relationship with any other offeror or subcontractor of the offeror which could affect or give the appearance of affecting your objectivity.

An additional consideration is the need to maintain strict security regarding the content of any proposal and the proceedings of the Evaluation Committee meetings during the evaluation process. Once the evaluation process has started, it is essential that any contact with the offerors be through, and by, the Procurement representative. In addition, the Evaluation Committee Member shall not communicate, except during formal Committee meetings, with any offeror or sub-contractor of the offeror prior to award. This requirement is mandatory.

To emphasize the importance of the above considerations, you are asked to sign the following statement:

I have read and understand the above and agree to be bound by the rules and principles represented. I know of no conflict of interest on my part nor have I committed any indiscretion or accepted any gratuities or favors that would compromise my impartiality. I will maintain all deliberations of the evaluation committee in strict confidence during the evaluation process. My recommendations shall be based upon an objective/subjective review of the offeror's proposal(s) and the appropriate award criteria.

\_\_\_\_\_  
Signature (followed by printed name)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Jeffrey Whiting  
Procurement Representative

\_\_\_\_\_  
520-837-4123  
Phone Number



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[Redacted Signature Area]

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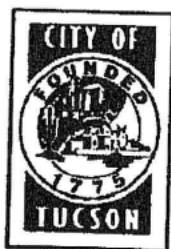
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Date

Jeffrey Whiting

520-837-4123

Procurement Representative

Phone Number

# CONTRACT SUMMARY DOCUMENT

**Contract # 192051**

**Contract Title: Swimming Pool Supplies, Including Chemicals, Equipment, and Related services & Materials**

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Shared Services - Procurement has awarded a contract for the purchase of *swimming pool supplies, including chemicals, equipment, and related services & materials*. Contractors are as follows:

**Hill Brothers Chemical Co  
&  
Leslie's Pool Supplies Inc.**

Good/Service	Contractor	Purchase Order #	Contact person	Contractor Address
Swimming Pool Supplies, Including Chemicals, Equipment, and Related services & Materials	Hill Brother Chemical Co.	41485	Rusty Mosher phoenixsales@hillbrothers.com (480) 718-8079	21620 N 19 <sup>th</sup> Ave Phoenix, AZ, 85027
Swimming Pool Supplies, Including Chemicals, Equipment, and Related services & Materials	Leslie's Pool Supplies Inc.	41486	Dong Yi government@lesl.com (602) 236-3939	3925 E Broadway #100 Phoenix, AZ, 85040

**How to use this contract:**

<b>Summary Description</b>	<p>This contract is intended to provide the City with the ability to access swimming pool supplies, chemicals, equipment and related services and materials as needed. Additionally, Leslie's Pool Supplies has opted to allow its awarded products under this agreement to be accessible cooperatively nationally in association with Omnia Partners.</p> <p>The City has fully awarded all identified line item needs to both Hill Brothers Chemical Co. and Leslie's Pool Supplies, equally and without prejudice. Therefore, when it becomes necessary for new supplies to be ordered, it is encouraged that all City representatives request quotes from both approved vendors to determine which can best meet their needs. the need for supplies to are</p>
<b>Contract Term</b>	The contract term has been configured to be an initial one (1) year agreement from July 25, 2019 through July 24, 2020 with option to renew for four (4) additional one (1) year periods.
<b>Pricing</b>	This contract contains both firm fixed pricing for identified line items and percentage off discounts on unidentified catalog times.

<b>Freight</b>	Freight under this contract is FOB Destination.
<b>Payment Terms and Methods</b>	Payment terms under this contract are Net 30 days

For questions on this contract, please contact Principal Contract Officer Jeffrey Whiting at (520)837-4123.

**Direct Release Policy**

Effective June 13, 2017, the financial encumbrance threshold was increased to \$50,000. A DR must be created when the DR is \$50,000+. At the discretion of the Department, a DR *may* be created for orders less than \$50,000.

When the DR has been paid in full, the DR will show a “closed” status in BuySpeed.

A DR is not required for items that are acquired online or point-of-sale using pCard.

If you have created a DR and have processed the payment by pCard, you must notify AccountsPayable-Finance@tucsonaz.gov to close out the DR.

If you did not create a DR and the amount is \$50,000+, your partial will be returned to you so that a DR can be created. Accounts Payable cannot process your payment without a DR.



# MEMORANDUM

**DATE:** May 22, 2019

**TO:** Nathan Daou, CPPB, C.P.M., A.P.P.  
Contract Administrator

**FROM:** Jeffrey Whiting, CPPB  
Principal Contract Officer

**Subject:** Executive Summary - Request for Proposal No.192051  
Swimming Pool Supplies, Including Chemicals, Equipment, and Related Services and Materials

<b>Dept./Div.:</b>	Parks and Recreation/ Administration	<b>Date Issued:</b>	December 17, 2018
<b>Pre-Proposal Date:</b>	January 8, 2019	<b>No. of Individuals Attending:</b>	7
<b>Due Date:</b>	January 16, 2019	<b>No. of Proposals Received:</b>	2
<b>Negotiated Value:</b>	See Below	<b>pCard Accepted:</b>	Yes

## BACKGROUND

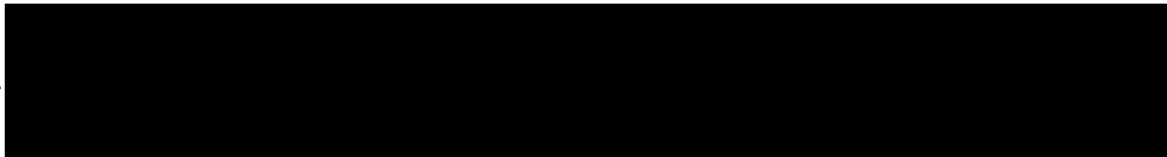
The City of Tucson issued the above referenced Request for Proposal to select a contractor to provide for the purchase of swimming pool supplies, including chemicals, equipment, and related services and materials. The solicitation was publicly posted on the City's website and notices were emailed to all registered vendors who have indicated that email is their preferred delivery method.

## EVALUATION

A committee was formed to evaluate the proposals based upon the selection criteria set forth in the original RFP. The committee was comprised of the following members and signed Committee Member Statements were received from all:

Voting Committee Members

Non-Voting Advisory Committee Members



The City received proposals from the following firms:

Hill Brothers Chemical Company

Leslie's Poolmart, Inc.

Prior to releasing the proposals to the committee, I conducted an initial review of the proposals to ensure that all requested information had been submitted. As a result, all proposals were deemed eligible for the committee's review. The committee is charged with the final determination of acceptability.

On January 18, 2019, I met with the evaluation committee and discussed the role of the committee and the evaluation process. Each committee member received a copy of the City's Guidelines for Evaluation, the evaluation criteria and copies of the proposals.

On January 23, 2019, the committee reconvened to discuss the relative strengths and weaknesses of the proposals with regard to the evaluation criteria set forth in the solicitation. After discussing all of the proposals, the committee members individually scored and ranked the proposals. The committee members' rankings were totaled to arrive at an overall ranking. As a result, the committee recommended entering into concurrent negotiations with both offerors with the intent of proceeding to contract award for each upon successful completion of negotiations, *Hill Brothers Chemical Company* and *Leslie's Poolmart, Inc.*

Between January 29, 2019 and February 07, 2019 letters of negotiation were sent to both Offerors. Acceptable responses were in turn received from both.

On April 10, 2019, the City requested revised pricing from both Offerors. Revised pricing was received from all firms by May 10, 2019

**NEGOTIATED VALUE**

Through negotiations, Hill Brothers removed their originally purposed 20% restocking fee entirely. Additionally, through negotiation with Leslie's Poolmart, the City successfully negotiated a national cooperative agreement, an increase from a 10% discount off commercial catalog items to 20%, a reduction of \$.74 per gallon on Muriatic Acid, and the inclusion of Gold-N-Clear Water Brightener. Lastly, the City also negotiated a revised scope to include additional catalog items and various terms and conditions which resulted in more favorable for the City

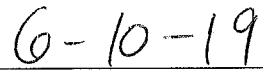
**CONTRACT OFFICER RECOMMENDATION:**

I attest that the evaluation process was conducted in accordance with the Tucson Procurement Code and all applicable rules and regulations. Based upon the evaluation committee's recommendation, it is recommended that this contract shall be awarded to:

*Hill Brothers Chemical Company      Leslie's Poolmart, Inc.*

Concurrence:

  
\_\_\_\_\_  
Nathan Daou, CPPB, C.P.M., A.P.P.  
Contract Administrator

  
\_\_\_\_\_  
Date