



Memorandum

To: C.H. Huckelberry, County Administrator

From: Tom Ward, Chairman, Pima County Small Business Commission

Date: February 19, 2010

Subject: Action on Three Professional Services Awards Continued to March 2, 2010

At its February 18, 2010 meeting, the Pima County Small Business Commission unanimously approved a request to the Board of Supervisors to act favorably on the three recommendations from the Procurement Department for design awards for Department of Transportation projects on Valencia (two projects) and Camino de Oeste (one project) that were continued from the January 5, 2010 meeting until the March 2, 2010 meeting.

This subject was brought before the Commission at our February 4, 2010 public hearing and in a letter from Transportation Department Director Priscilla Cornelio received on February 12, 2010. We also received a letter from Gary Hayes, Executive Director of the Regional Transportation Authority, expressing concern about delaying these three projects.

We understand this continuance was authorized to provide time for the Commission to prepare its recommendations to the Board concerning the County's professional services procurement policies.

While the Commission appreciates the deference the Board is showing to its forthcoming report, we believe the Board should act favorably on these three projects at its March 2, 2010 meeting for the following three reasons:

1. The Commission's near-term recommendations for any changes in Board Policy D 29.1 will not materially change the decision to award these three projects.
2. The sooner these three projects are awarded, the sooner small business jobs will be created by the prime consultants and their subcontractors – jobs that our Pima County economy needs desperately.
3. The Commission's most important reason is that the three firms involved in these awards should not be held to possible conditions that did not exist at the time the awards were solicited. This *ex post facto* action is unfair. Retroactive rules should not apply to Pima County's procurement process

The Commission is grateful for your on-going support as it continues its endeavors.

- c: The Honorable Chairman and Members, Pima County Board of Supervisors
Pima County Small Business Commission
George Widugiris, Director, Procurement Department
Priscilla Cornelio, Director, Transportation Department
Tom Moulton, Director, Economic Development and Tourism Department
Aurora Hernandez, Recording Secretary, Small Business Commission
Gary Hayes, Executive Director, Regional Transportation Authority