U.S. Senator Ted Cruz

United States Senator • Texas

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OFFICE OF THE
EXECUTIVE SECRETARIAT

TO: Director Neimeyer

FAX #: 202-208-5533

DATE: 9DEC2013

FROM: Susanna Sovran

Susanna_Sovran@Cruz.senate.gov

FAX: (512) 916-5839

MAIN OFFICE: (512) 916-5834

OF PAGES (including cover sheet): 7

NOTES: Please see attached for Senator's inquiry on behalf of Mr. Don Sanford.

Sincerely,

Susanna Sovran

U.S. Senator Ted Cruz

United States Senator • Texas

The Information and Privacy Act Form

The Privacy Act requires your written consent before a government agency will release information to our office regarding your records. To better serve you, please complete this form and return it as indicated below. Please be aware that the person requesting assistance must sign this form.

I hereby authorize the office of **SENATOR TED CRUZ** to request on my behalf, pertinent to the Freedom of Information and Privacy Act of 1974, access to information concerning me, and to forward copies of my correspondence involving (Name of Agency) USGS. In addition, the office of **SENATOR CRUZ** is also authorized to see any materials that may be disclosed pertinent to that request.

NAME: Don Sanford

MAILING ADDRESS: (b) (6) [redacted]

Ft. Worth, TX 76109

HOME OF RECORD (service members only):

HOME PHONE #: (b)(6) [redacted]

WORK PHONE #:

SOC SEC #: (b)(6) [redacted]

VA CLAIM # (if applicable): Please see attached letter to the GOA

PASSPORT # (if applicable): (b)(6) [redacted]

(b)(6) [redacted] 11-4-2013

TED CRUZ
TEXAS

United States Senate

WASHINGTON, DC 20510

COMMITTEES:
COMMERCE
JUDICIARY
ARMED SERVICES
RULES AND ADMINISTRATION
AGING

December 9, 2013

RESPECTFULLY REFERRED:

Director Sarah Neimeyer
c/o: U.S. Department of the Interior
1849 C St NW Stop 6242
Washington, DC 20240-0001

Director Neimeyer:

The attached communication was forwarded to my Senate office by Mr. Don Sanford concerned about a matter that falls within your agency's jurisdiction. We would appreciate it if appropriate inquiries could be initiated on their behalf, and if a full response could be prepared for me to report to the constituent.

It would be very helpful if the attached were to accompany your response. In the event you require more information, please do not hesitate to contact my office at 512.916.5834 or by fax at 512.916.5839.

Thank you for your attention to this request.

PLEASE REPLY TO:

Office of Senator Ted Cruz
Attention: Susanna Sovran
Office of Senator Ted Cruz
300 E 8th St Ste 961
Austin, Texas 78701-3226
512.916.5834
512.916.5839

Sincerely,

Senator Ted Cruz

STC:SS

300 East 8th Street
Suite 961
Austin, TX 78701
512-916-5834

10440 North Central Expressway
Suite 1160
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214-361-3500

1919 Smith Street
Suite 800
Houston, TX 77002
713-653-3456

3133 General Hudnell Drive
Suite 120
San Antonio, TX 78226
210-340-2885

Dirksen Senate Office Building
Suite SD-B40B
Washington, DC 20510
202-224-5922

SAMCO ANTENNAS, INC.

September 26th, 2013

General Councel
Government Accountability Office
441 G Street, N.W.
Washington, DC 20548

Attn: Procurement Law Control Group

Subject: Formal Protest of Award

RE: Admendment of Solicitation Number G13PS00575
RE: Award Number G13PX01712
Issueing Agency: The United States Geological Survey
Contracting Officer: David Oullette (douellette@usgs.gov)
Contract Specialist: Cristina Vega (phone: 703-648-7319) (cvega@usgs.gov)

Dear Procurement Law Control Group,

Don G. Sanford on behalf of his small business concern, SAMCO Antennas, Inc., hereby formally protests the above referenced award. Reasons for the protests will be outlined in this letter and supporting documentation is attached.

SAMCO Antennas, Inc., at the request of a USGS representative designed a GOES Satellite Yagi Antenna with the intent of providing a lower cost but quality option to what was available in 2003. After months of field testing the antenna was sent to the USGS HIF where a 6 month evaluation was completed. After this evaluation the antenna was approved for sale to the HIF to be distributed to all USGS offices throughout the USA.

Beginning in 2004 SAMCO received awards annually for the antenna, the first being award number 04-HFSA4612 in August 2004 and the last being award number G10PX03096 in October 2010. Additionally SAMCO was awarded Stimulus Award # G09RA023969 in October 2009 for 307 units. I bring this to your attention to point out that the best gauge of a quality product is when the customer continues to buy your product over years with no complaints.

SAMCO representatives attended all USGS sponsored trade shows and training events where we manned a booth and were available to field personnel to answer any questions about our product or listen to any complaints or concerns. Our representatives rarely heard a negative comment, and on the contrary the overwhelming response was very possitive. One USGS reprsentative from Alaska mentioned he did not like the difficulty in assembly but after the antenna was assembled it was the best one he had ever used.

2607 West Waggoman • Fort Worth, TX 76110 • 817/336-4351 • FAX 817/207-8435

Our Marketing Manager asked about any failures or concerns and he reiterated that the SAM-GOES-11 never failed him when other antennas did. He also heard from another USGS representative that the SAMCO antenna was the best he had ever used over 20 years in the field.

During these trade shows 3 suggestions were brought to our attention. First, some of the field personnel didn't like our mounting bracket because it is slighly more complicated than a standard mounting. However, some of the personnel liked it better because of its versatility. Second, our GOES antenna takes a few minutes more to assemble than others, but no more than 5 to 10 minutes to assemble. However, once assembled the antenna is a brick as demostrated by attached photos. Third, some mentioned that the connector would unscrew when un connecting the cable. We have solved that problem by using lock Tite adhesive.

In 2011 a new procurement was posted for 500 GOES Antennas. SAMCO submitted its bid accordingly. Unfortunately for SAMCO a competitor bid $10 less than the SAMCO bid and won the award. Based on the lower bid SAMCO had no reason to protest the award.

The current award is protested because SAMCO submitted a bid that was $56 less per unit than the winning bid. The SAMCO bid was for $185.00 for each unit. We offered a 5 year warrantee with free replacement parts for as long as SAMCO held an open contract for the antenna. All of this supporting documentation is attached. Based on available information the SAMCO bid was for $78,400.00 less than the winning bid.

Based on a brief search on the Fed Biz Opps page our Marketing Manager discovered that a competitor had been awarded the contract for a price of $241.00. I was informed of this information on Monday, September 23rd 2013. We use the total contract award, $337,800, divided by the number of antennas in the solicitation, 1400 units, to arrive at the unit bid price. A copy of the award is attached.

When SAMCO began to market our GOES antenna to the USGS our understanding was that the price paid for the competitor's GOES antenna was in the $325 to $350 range. This statement the price paid is second hand information and it is not verified but I believe it to be accurate. The SAMCO base price over the years has been $245.00 per unit. If the price paid before our product was introduced to the USGS was indeed $325 then SAMCO has saved the USGS approximately $250,000 since 2004. Our current bid if accepted would save the USGS an additional $78,400 in the next 3 years.

The solicitation clearly advises the vendors to read sections L and M in the solicitation which outlines the proceedure used to determine the winning bid. Pages 23 to 25 are attached which include L and M clauses.

On August 21st 2013 SAMCO received an email from Cristina Vega informing me that SAMCO had passed Step 1 in the evaluation process and that SAMCO needed to send a sample for testing and evaluation. We sent the sample and have attached the Fed Ex Signature page for verification that the antenna was delivered in a timely fashion. On September 9th, 2013 our Marketing Manager sent an email to Cristina Vega asking when a decision might be made concerning this solicitation. She responded that she had not received the technical evaluations yet, but once submitted she would send out communication. I have attached a copy of all emails concerning both of these subjects. We have

yet to receive any "communication" concerning the technical reports.

Under Section M there is a three step process for making the award. As outlined above Cristina Vega informed me that the SAM-GOES-11 antenna had passed Level One.

Level two is the quality testing phase. We have not received any reports that the SAM-GOES-11 did not pass the Quality Testing phase. Additionally, based on 8 years of past performance that the antenna was a quality product with over 3000 units in the field, I must tell you I am rather confused. The antenna has been used on numerous export projects including large projects in India and Central/South America. I have attached a list of customers that have used this antenna on their projects. The SAM-GOES-11 is the featured yagi in several vendor's websites where they don't have a yagi of their own but sell the SAMCO antenna. Over 8 years of talking to USGS field service reps and HIF personnel, I never heard that there was a problem with the quality. As mentioned earlier in this letter, the initial HIF testing was for a 6 month period and the antenna passed the quality test at that time. I have attached documentation supporting the quality of the antenna spefically its ability to withstand severe damage and continue to work.

Level Three : "The award will be awarded based on:" PRICE.
"The purchase order will be awarded to the offeror submitting the lowest priced proposal that has passed Step 1 and Step 2"

In conclusion, SAMCO was notified that the SAM-GOES-11 antenna passed step 1. SAMCO has not been notified that the SAM-GOES-11 antenna has failed step 2. Regardless of the end result of step 2, SAMCO has demonstrated that the SAM-GOES-11 is a quality product worthy of being purchased and installed by the USGS for over 8 years including the awarding of a stimulus contract for the antenna. No person from the USGS HIF or field personnel has ever mentioned a problem with quality for the last eight years, and on the contrary, they have only mentioned that the antenna IS a quality stout product.

On behalf of SAMCO Antennas, Inc. I herby specifically request a ruling by the Comptroller General of the United States.

Our request is that the outstanding award be suspended until such time that the SAMCO SAM-GOES-11 yagi can be demonstrated to not have passed Level 2 in the quality phase.

Our request is that the three step process outlined in section M.1 (52.212-2) "evaluation factors for award" be faithfully and professionally followed when determining the winner of the award. In other words, if two antennas demonstrating equal quality, the one with the lowest price shall be awarded the contract.

Furthermore, we request all quality reports on the the winning bid antenna and the SAMCO yagi, the SAM-GOES-11, with specific rational for why it is worth $78,500 more to buy the competitor's antenna rather than the SAM-GOES-11

Respectfully,

Don G. Sanford
President
SAMCO Antennas, Inc.
2607 West Waggoman St.
Fort Worth, Texas 76110

cc: David Oullette
Contracting Officer
USGS OAG Reston Acquisition Branch
205 National Center
Reston, VA 20192

The Honorable Kay Granger
1701 River Run Road, Suite 407
Fort Worth, Texas 76107

U.S. Senator Ted Cruz
961 J.J. Pickle Federal Building
300 E. 8th Street
Austin, Texas 78701

U.S. Senator John Cornyn
Casework Dept.
517 Senate Hart Office Building
Washington, DC 20510-4305

United States Department of the Interior

U.S. GEOLOGICAL SURVEY
Office of the Director
Reston, Virginia 20192

In Reply Refer To:
Mail Stop 119
GS14000583

JUN 1 0 2014

The Honorable Ted Cruz
United States Senate
Washington, DC 20510

Dear Senator Cruz:

In response to your inquiry of December 9, 2013, enclosed is a copy of the Government Accountability Office's decision regarding U.S. Geological Survey request for quotes No. G13PS00575.

Your correspondence, and that of your constituent, are also enclosed. If you have further questions about this matter, please call 703-648-4455.

Thank you for your interest in the U.S. Geological Survey. If we can be of further assistance, please let us know.

Sincerely,

Timothy J. West

Timothy J. West
Congressional Liaison Officer

Enclosures