



WASHOE COUNTY

COMPTROLLER'S DEPARTMENT

August 18, 2020

Cathy Hill, Comptroller
1001 E. 9th Street, Bldg. D, Room 200
Reno, NV 89512
PHONE: (775) 328.2552
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PFM Asset Management LLC
Monique Spyke
50 California Street Suite 200
San Francisco, CA 94111

Sent Via Email: spykem@pfm.com

Ms. Spyke,

We have received and reviewed your appeal letter dated August 4, 2020. Please accept this correspondence in response to that appeal. For the following reasons, it has been determined that your protest of the Notice of Intent to Award this contract has been denied:

1. Your appeal letter does not specify how the applicable provisions of law were violated, which is a requirement of an appeal pursuant to NRS 332.068(2):

“NRS 332.068 Contract for which estimated annual amount required to perform is more than \$100,000: Filing and contents of protest of award; posting and disposition of bond or security; stay of action; immunity of governing body from liability to person who submits response.

...

2. A notice of protest must include a written statement setting forth with specificity the reasons the person filing the notice believes the applicable provisions of law were violated.”
2. Your first contention about a pricing disadvantage is not upheld because a contract with the County is public record, and your prior contract could have been viewed by anyone after its inception. Also, as stated in the RFP, the best and final offer phase is at the County’s sole discretion.
3. Regarding your second contention, the County is not obligated to disclose the weights of the evaluation factors. The RFP was clear as to what factors were to be considered in evaluating the proposals. This included the contract price, which was specifically separated out as the second part of the proposal.
4. Finally, your third contention is not upheld because the County must evaluate the Proposals on what was submitted by the Proposers on the submittal date provided in the RFP to be able to determine a score. PFM Asset Management LLC did not submit the best price, which effected the overall score.





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Furthermore, NRS 332.065(3) requires that the contract be awarded as was set forth in the solicitation (the RFP here), which is precisely how Washoe County intends to proceed through its Amended Notice of Intent to Award the contract. For your reference, NRS 332.065(3) requires as follows:

“3. Except as otherwise provided by specific statute, if the estimated annual amount to perform a contract is more than \$100,000 and the method for obtaining the contract designated in the solicitation is a method other than an invitation to bid, the governing body or its authorized representative shall award such a contract taking into account the minimum requirements for a responding offeror prescribed in the solicitation pursuant to [NRS 332.043](#) and the method prescribed in that solicitation for awarding the contract.”

Based upon the foregoing, without limitation, it is the decision of the Purchasing and Contracts Manager that this appeal is rejected, and your bond may be returned to you as soon as possible. Should you choose to appeal this decision to the Washoe County Board of County Commissioners, Washoe County will hold your bond until the appeal is decided.

Sincerely,

Mark Stewart



Mark Stewart

Purchasing and Contracts Manager | Comptroller's Department

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