



Financial Services
Operations Support Services Group
Procurement Team
735 Randolph Street, Suite 1508
Detroit, Michigan 48226
Phone: 313-964-9157

Memorandum

Date: August 27, 2025

To: GLWA Board of Directors

From: Sonya Collins, Procurement Director

CC: GLWA Executive Leadership Team

RE: RFB-REQ-0000030 Response to Phoenix Environmental's Inquiry

During the Board's July meeting, we deferred consideration of the above-referenced matter based upon communication received from Phoenix Environmental. Phoenix Environmental had earlier submitted a Bid Protest for this procurement, the protest was denied, and Phoenix did not appeal that determination. I have reviewed the documentation for its claims submitted by Phoenix Environmental and find that the claims made by Phoenix Environmental are without merit. I also note that Phoenix Environmental has failed to submit additional documentation as requested. Nonetheless based upon my interviews and review of materials. It is my recommendation that the above-mentioned contract be awarded to Technical Service Professionals, LLC (TSP) for a portion of the contract that does not include support of EJ Ward equipment. GLWA will look to train GLWA Team Members to service EJ Ward equipment using a cooperative agreement. Pricing in the cooperative agreement was found to be highly competitive.

The evaluation deemed TSP and its subcontractors have been found to meet all minimum qualifications in the bid including but not limited to the following:

1. Having a minimum of three (3) years' experience with fuel tank systems,
2. Demonstrating the ability to obtain all required certifications,
3. All subcontractors have established Michigan-certified Class A/B UST and AST System Operator licenses, and

4. TSP has demonstrated the lawsuit submitted is in reference to a separate business entity with shared ownership.

The investigation also concluded that Phoenix Environmental could not provide evidence of an exclusive agreement with EJ Ward. EJ Ward has clarified that they don't certify companies but individuals and has committed to training and certifying GLWA Team Members.

Sent Electronically to sonya.collins@glwater.org.

August 22, 2025

Ms. Sonya Collins
Procurement Director
Great Lakes Water Authority
735 Randolph St.
Detroit, Michigan 48226

Re: GLWA Req. No. 0000030
Fuel Tank Maintenance Services

Dear Ms. Collins:

This will follow our meeting yesterday, and will also acknowledge receipt of your email of August 20, 2025. Initially, without reciting all your pointed comments yesterday, which came as a surprise, we regret that you, on behalf of GLWA, have found Phoenix Environmental's ("PE") conduct to have been less than forthcoming, leaving a bad impression. Of course, we cannot react to what the EJ Ward representative told you at the August 14, 2025 meeting that we were dis-invited from. For our part, and given the very long collaborative relationship that PE has enjoyed with GLWA, we have only attempted to protect the best interests of PE in this matter, which in our view is not inconsistent with the best interests of GLWA, as I attempted to express yesterday.

In any event, addressing the current posture of our on-going and extensive communications, you and your legal counsel advised yesterday that you consider the "protest" long concluded, and characterized all the additional communications as a mere "courtesy." Your took the position that PE had not availed itself of any right of appeal from the rejection of the protest.

We appreciate that your counsel referred us to GLWA Procurement Policy Section 8.3. A reading of that section leads to the clear conclusion that any appeal period has not been triggered. In pertinent part, section 8.3 c) mandates:

If the **CPO** rejects the protest, he/she **shall notify the Potential Vendor of their right to appeal to the CACO**. The protestor will have three (3) business days from the notification of the protest decision to appeal by email notification. (emphasis added)

Based on your comments yesterday, that the protest process has long been concluded, it is believed you rely on your letter of May 2, 2025 as the notice of denial of the protest. (copy enclosed for convenient reference) You stated in that letter that “[a]ccordingly, Phoenix Environmental Inc.’s bid protest is denied.”

However, *conspicuously absent from that letter is any statement complying with the mandatory requirement of 8.3 c), above, notifying PE of our right to appeal*. Therefore, the running of the time for appeal was never triggered.

When coupled with the extensive communications back and forth, which we need not detail because they’re in the record, with the submission by PE of supplemental arguments and extensive evidence of TSP’s non-compliance with bid requirements and violations in the bid process, which GLWA not only accepted, but then continued to ask additional questions and request information, it should be clear to a reasonable and objective reviewer that the protest process continued.

Moving from the procedural to the substantive, your indication in the August 20, 2025 email that despite our submissions, you still intend to recommend an award and contract to TSP is disappointing and, in our view, indefensible in light of the documented non-compliance by TSP with GLWA's Procurement policies.

Although your email did not reference the matter, but your counsel briefly addressed it yesterday, it is our understanding that GLWA has concluded that Technical Services Professionals, LLC, d/b/a TSP Environmental ("TSP") is not the "Michigan-based TSP Environmental" that is being sued in Kansas, per the Lawrence Times article and court documentation that were supplied with our August 5, 2025 letter. That documentation shows that the TSP in question is acknowledged to be a Michigan corporation.

Provided herein is additional documentation from the State of Michigan that demonstrates beyond question that Technical Services Professionals LLC has utilized various “affiliate” names including TSP Environmental and TSP Services, with Ron and Robin Swan as principles with current address of 25000 Capitol, Redford, MI 48239. Ron Swan signed the bid documents for TSP in this matter, copy enclosed. Also enclosed is further documentation from the Kansas lawsuit showing TSP with the same Redford address and signed by Robin Swan. The TSP seeking the contract here is the same TSP being sued in Kansas.

As such, TSP was not candid in their response to Section 12.1(c) of the Legal Questions Set, and materially omitted that they had been sued in Kansas—a suit which is still pending—for negligence by their selected subcontractor. This should be a disqualifying fact independent of the other items of documented non-compliance.

Also very troubling is your statement that "GLWA will look to train our staff to work on EJ Ward products." This follows your meeting of August 14, 2025 with a representative of EJ Ward—a meeting that, as indicated, we were initially invited to, and then disinvited from. It is our understanding that GLWA secured the agreement of EJ Ward to train GLWA staff to service EJ Ward products at that meeting, in our absence.

Further, this new arrangement apparently will be used to excuse the documented fact that TSP and its designated subcontractors are not, and will not be, certified to service EJ Ward products, which was an express requirement of this BID solicitation. Without that certification historically, TSP does not satisfy the required three (3) year experience requirement either. We will reserve additional comment and response on this particular matter for the future, should it become necessary.

Finally, we must address that your email of August 20, which also could be read as a confirming rejection of our protest, especially when coupled with your legal counsel’s express reference yesterday to Section 8.3 and the appeal process, together they could constitute a de facto notice of the protest denial, and appeal right. Therefore, with reservation of rights as to the on-going protest process, with these additional submissions, please also consider this a timely appeal of the protest denial to the Chief

Administrative and Compliance Officer within three (3) business days, under Section 8.3 c)

Following the CACO's determination, in the event this matter proceeds to the GLWA Board, we trust that in addition to our previous submissions, you will include this letter and enclosures as part of our firm's "communication documents" that you will provide to the GLWA Board for their August 27 meeting, per your kind representation.

Thank you.

Sincerely Yours:

Phoenix Environmental, Inc.

By: Davis Smith

Its: Board Member