

## Vendor Performance

Vendor performance is tracked through the life of the contract. If there is a problem with vendor performance the following steps are taken by NEISD:

1. Vendor is verbally notified by the end user of the problem and resolution is attempted. The end user documents the communication.
2. If problem is not resolved or problem reoccurs, the end user notifies Procurement & eCommerce and the appropriate Purchasing Specialist will contact the vendor to resolve the problem. The communication with the vendor is documented for the bid file.
3. If problem still persists, the Assistant Director or Senior Director will contact the vendor and try to resolve the problem and send a letter to the vendor with the expected resolution to the problem and consequences if problem is not resolved which may include termination of the contract and placing the vendor on hold for future purchases. The communication is documented for the bid file. (Sample letters have been included.)
4. If problem is still not resolved the issue may be turned over to District legal representation or the contract will be terminated per the bid specifications and the vendor placed on hold for any future purchases. Also, the vendor will be removed from any bid lists and if the vendor submits a bid proposal that proposal will be evaluated per evaluation criteria set forth in Texas Education Code 44.031. All documentation will become a part of the bid file.
5. If a vendor satisfactorily fulfills the requirements of a contract, the performance and relationship with the vendor, established through that contract, will be favorably considered in future bid submittal evaluations per evaluation criteria set forth in Texas Education Code 44.031.

North East ISD also maintains a Vendor/Product Performance form on the Procurement Intranet web page. Campuses and departments are encouraged to complete the form for positive and negative vendor/product performance reviews (see attached).



# North East Independent School District

8961 TESORO DRIVE – SAN ANTONIO, TEXAS 78217

Department of Procurement  
& eCommerce

November 2, 2007

[REDACTED]  
[REDACTED]  
PO Box 27  
Caldwell, TX 77836

Dear [REDACTED]

North East Independent School District submitted a purchase order for the purchase of a 2007, ¾ Ton, Ford F250 Econoline Van. The referenced purchase order number is 0000453167 with the specification as per Request for Proposal #29-07. As you are aware, it has been over a year since this order was placed. To date we still have not received the van.

As per our phone conversation on October 26, 2007 you stated that the van was at your location awaiting the side and back door to be key alike. At that time you asked if NEISD would accept delivery as is and have the district re-key the van. You were informed at that time that NEISD needed the van to be delivered as per the specifications of the bid.

Please note that NEISD has been very patient in waiting for delivery. However, this matter has gone unresolved for too long and the following steps will be taken. 1) If the stated vehicle is not delivered to NEISD by the close of November 15, 2007 this order will be cancelled. 2) The district will purchase the van from another vendor and bill the difference back to [REDACTED] under the Uniform Commercial Code, Rights to Remedy.

Please notify the Office of Procurement & eCommerce via email ([mwilli@neisd.net](mailto:mwilli@neisd.net)) by Wednesday, November 7, 2007 for any questions.

Thank You,

Michael F. Williams  
Procurement Manager



# North East Independent School District

8961 TESORO DRIVE – SAN ANTONIO, TEXAS 78217

Office of Procurement  
& eCommerce

June 2, 2004

[REDACTED]  
[REDACTED]  
Owner

[REDACTED]  
Dallas, Texas 75374

Re: RFP #68-04

Dear [REDACTED]

A copy of your email dated May 12, 2004, has been received in the Department of Health Services and the Office of Procurement & eCommerce. The District considers it a very serious matter when allegations are made that consideration was not given to a company or product in the bid process. North East ISD processes bid/proposals as required in Texas Education Code §44.02.

In deciding what specifications to use for automated external defibrillators, the Health Services Department met with manufacturer representatives from Cardiac Science, Zoll, Philips and Medtronic. On November 5, 2003, Francene Tharp, Director of Health Services, met with Carol Ghizzoni-O'Neal, Corporate Business Manager for Philips Medical. A confirmation of this meeting is attached. Each manufacturer provided product literature, technical specifications, product samples and product demonstrations. After months of research and reviews of each manufacturer's product, the NEISD Health Services Department wrote the specifications for the AED proposal that best fit the needs of the District.

Proposal #68-04, Automated External Defibrillators, was advertised on Friday and Monday, March 12 and 15, 2004 in the San Antonio Daily Commercial Recorder. Proposals were mailed to seventeen companies on March 9, 2004. Once a bid/proposal has been mailed, any questions or communications regarding proposal specifications are required to be submitted via written communication per proposal specifications. This requirement allows all interested companies to review questions and responses at the same time and creates a level playing field.

The deadline to submit questions regarding proposal #68-04 was 12:00 p.m., Thursday, March 25. On March 26, an addendum was issued extending the proposal opening date and extending the deadline to submit questions to 12:00 p.m., Monday, April 5, 2004. Although twenty-one days were allowed for companies to submit questions in writing, no questions were submitted by [REDACTED]. Responses to questions were emailed on Friday, March 26 and Tuesday, April 6, 2004. All questions and responses were emailed to all companies at the same time, including [REDACTED].

On March 30, 2004, Joi Shumaker, AED Coordinator for the San Antonio Fire Department, contacted Mrs. Tharp. During the phone conversation Mrs. Shumaker made it clear that she was in support of the Philips AED. Ms. Shumaker verified that the San Antonio Fire Department currently uses Philips equipment. She also verified that San Antonio EMS currently uses the fully automatic Medtronic equipment. Mrs. Tharp explained that the proposal was currently in progress and all companies would have an opportunity to propose products that met the proposal specifications.

The automated external defibrillators offered by your firm are in all probability very good products. However, the proposal by [REDACTED] did not meet the District's proposal specifications for fully automatic, configurable energy settings from 200J to 360J or delivering escalating energy shocks to adults and infant/children. Therefore, the cost to implement [REDACTED] proposed product cannot be compared to that of the product offered by vendors that met the required bid specifications.

I hope this addresses your questions and concerns regarding the bid/proposal process.

Sincerely,

David C. Bohannon  
Director of Procurement & eCommerce

attachment

c: Dr. Richard Middleton, Superintendent  
Ms. Jo Ann Collier, Attorney, Feldman & Rogers  
NEISD Board Members  
Mr. Wess Robinson, Associate Supt. For Business Services  
Mr. James Terry, Executive Director of Finance  
Francene Tharp, Director of Health Services

## VENDOR/PRODUCT PERFORMANCE FORM

Vendor and product performance are important factors to consider when making a purchase. If you have a compliment for a vendor or a product, please indicate in the appropriate form sections below. If you have a problem or complaint with a vendor or product regarding service, quality of product, deliveries, substitutions, price increases, excessive freight, *etc.*, please fill in all sections of the form. Completed forms provide the Department of Procurement & E-Commerce with written documentation that will be considered when making future bid awards and purchases.

Company: \_\_\_\_\_  
Product: \_\_\_\_\_  
Salesman: \_\_\_\_\_  
Telephone: (      ) \_\_\_\_\_

Compliment, problem or complaint: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Was the company contacted? \_\_\_\_\_ Yes \_\_\_\_\_ No

If Yes, Person contacted: \_\_\_\_\_ Date: \_\_\_\_\_

What actions were taken by the company, or representative of the company, to correct the problem? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Was the problem handled in an appropriate and timely manner? \_\_\_\_\_ Yes \_\_\_\_\_ No

If No, please explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Campus/Department: \_\_\_\_\_  
Contact: \_\_\_\_\_  
Telephone: (      ) \_\_\_\_\_ Date: \_\_\_\_\_

*PLEASE FORWARD COMPLETED FORM TO THE DEPARTMENT OF  
PROCUREMENT & E-COMMERCE, ATTENTION DAVID C. BOHANNON,  
ASSISTANT DIRECTOR OF PROCUREMENT & E-COMMERCE.*