



LEE COUNTY
SOUTHWEST FLORIDA

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October 9, 2009

Mr. Willie Lyons
Simply Aquatics, Inc.
P.O. Box 849
Kirbyville, TX 75956

RE: Formal Quote No. Q-090117 – Chemicals for Water Plants

SENT VIA E-MAIL

Mr. Lyons:

The purpose of this letter is to inform you that due to an unacceptable and dangerous error by which the wrong chemical was delivered to a Lee County facility and introduced to the water system (see attached documentation); Lee County has chosen to terminate the above referenced quotation – Section 2/Zinc Ortho-phosphate - with your firm effective immediately. Today, October 9, 2009 is the official end date of the award of this quote to your company.

Should you have questions regarding this letter and wish to contact me, my phone number is 239-533-5450.

Sincerely,

Robert D. Franceschini
Purchasing Manager
Lee County Purchasing

Attachments

cc: Tom Hill/Utilities
John Meyer/Utilities
Hank Barroso/Utilities
Chad Denney/Utilities
Damon Hardy/Utilities
Janet Sheehan/Purchasing Director

APPROVED: 7/9/02

LEE COUNTY
VENDOR COMPLAINT REPORT

VENDOR: Simply Aquatics DEPARTMENT Utilities

ADDRESS: P.O. Box 849

COMPLAINANT'S
NAME: Chad Denney

CITY: Kirbyville, TX 75956

COMPLAINANT'S
TITLE: Water Treatment Manager

PHONE: 409-420-0774

COMPLAINANT'S
PHONE#: 239-694-4038

DATE: 10-5-09

QUOTE#: Q-090117

CONTACT: _____

QUOTE TITLE: Chemicals for Utilities

NATURE OF COMPLAINT

- | | | | |
|--|--------------------------------------|-----------------------------|--|
| <input type="checkbox"/> 01 | Late Delivery | <input type="checkbox"/> 10 | Goods Delivered Damaged |
| <input checked="" type="checkbox"/> 02 | Unauthorized Substitute | <input type="checkbox"/> 11 | Request to Cancel Due to Bid Error |
| <input type="checkbox"/> 03 | Poor Quality | <input type="checkbox"/> 12 | Problem w/vendor Personnel |
| <input type="checkbox"/> 04 | Failure to Respond to Letter or Call | <input type="checkbox"/> 13 | Failure to Replace Damaged Goods |
| <input type="checkbox"/> 05 | Poor Service | <input type="checkbox"/> 14 | Repair Parts Not Available |
| <input type="checkbox"/> 06 | Failure to Respond to Service Call | <input type="checkbox"/> 15 | Poor Workmanship |
| <input type="checkbox"/> 07 | Incorrect Items Delivered | <input type="checkbox"/> 16 | Failure to Provide Warranty, Manuals, etc. |
| <input checked="" type="checkbox"/> 08 | Failure to Meet Specifications | <input type="checkbox"/> 17 | Short Weight or Overshipment |
| <input checked="" type="checkbox"/> 09 | Failure to Identify Shipment | | |

DETAILS OF COMPLAINT: (Attach additional pages if necessary)

See attached page.

ACTION TAKEN BY BUYER & OUTCOME: (Attach additional pages if necessary)

Buyer: _____ Date: _____

Has complaint been resolved? Yes No Date resolved: _____

Revision Date: 8/8/02



Pinewoods WTP

10-5-09

Zinc Orthophosphate

On Tuesday 9-29-09 at 7am it was discovered while performing the morning chemical draw-downs that the zinc was not pumping.

At 8am Richard Johnston took the pump apart and discovered that it was plugged with a white scale.

Upon further investigation it was discovered that the scale built up though the suction and discharge lines

Richard spent the entire day cleaning the pump and suction lines the discharge lines we extremely plugged it was decided at 2pm to replace the discharge lines with new tubing.

On Wednesday 9-30-09 new discharge lines were ran and the chemical was put back on line at 12pm.

On Friday 10-2-09 I was informed at 6am that the zinc was not pumping after investigation I discovered more of the scale inside the pump and piping.

At 9am I called the Willie Lyons the sales rep with Simply Aquatics and informed him that there was a problem with the chemical he told me that he needed to check with his chemist and that he would get back with me

At 11am Willie called me back and informed me that there had been a mistake and that the delivery we received on 9-17-09 was not the correct chemical he stated that there was a mix up and instead of receiving zinc orthophosphate we received zinc metaphosphate I asked him to fax me all the information on the zinc metaphosphate including NSF approval and dosage limits

At 12pm I received the fax it included the NSF approval and dosage rate information.

At 1pm the local DOH was contacted and informed of the situation since the chemical had NSF approval and that we were under the maximum allowed dosage rate they informed us that they would take no action.

The shipment we received on 9-17-09 was labeled SA-92 zinc orthophosphate we actually received SA-93 zinc metaphosphate we did not know that this was the wrong chemical because it was labeled incorrectly.

During my phone conversation with Willie he apologized for the mistake and promised that it would not happen again he informed that they intend to send a crew to us on Tuesday 10-6-09 to remove the chemical and clean out the bulk tank.

Franceschini, Robert

From: Denney, Chad
Sent: Monday, October 05, 2009 2:10 PM
To: Franceschini, Robert
Cc: Meyer, Jon; Barroso, Henry; Hardy, Damon
Subject: Vendor complaint form
Attachments: simply aquatics 14030 (2).pdf; scan0012.jpg; zinc.doc

Bob attached is a vendor complaint form filled out by me, a copy of the delivery ticket from Simply Aquatics showing the product that was shipped that was mislabeled and a letter from Damon Hardy the Lead Operator at the Pinewoods Water Plant.

We discussed this on the phone this morning but here is the story again so it is documented.

9/29/09 Pinewoods noticed a problem with the product pumping or not pumping as the case was.
10/2/09 Pinewoods was still having problems feeding the chemical and Damon called Simply Aquatics and talked to the representative Willy Lyons.

Come to find out Simply Aquatics had shipped the wrong product. The delivery ticket shows that they shipped the correct product. So the delivery ticket is wrong.

The local Department of Health (DOH) was contacted about the mix up in the delivery. Since the wrong product was NSF approved and we fed under the maximum amount DOH said there was not a problem as far as they were concerned.

LCU's concern is two fold, we feel there is a lack of quality control to let the wrong product be shipped and that the delivery ticket was mislabeled.

Even though the DOH did not have a problem with what happened that does not mean they are not concerned about what the potential may have been for a problem and we feel exactly the same. LCU feels that we were lucky this time. Fortunately the wrong product was NSF approved for the use in potable water. What would have happened if the product was not approved? We can not take a chance on this happening again.

All the Water Plants have an established Standard Safe Operating Procedure for the delivery of chemicals in any form whether it is liquid or solid. This procedure is adhered to at the plants because the mixing of incompatible products can have disastrous effects. We can not afford to get in wrong chemicals in any form and on top of that this chemical was mislabeled. A part of the procedure is to read the delivery ticket to make sure we are receiving what was ordered. This was done but since the delivery ticket stated the correct chemical was being delivered we were ok with the delivery.

Simply Aquatics is supposed to be at Pinewoods tomorrow to pump out the chemical tank and clean it all out. Even though they are righting part of the wrong we feel we have to cancel the contract with them. This kind of mistake can not be tolerated.

Lee County Utilities would like to cancel this contract and go to the next lowest bidder who is Nalco.

I have contacted Nalco as you suggested and they are working to see if the price is still the same as when they bid it a few months ago. As soon as I hear back from them I will let you know.

We can get by without this chemical for a few days but do need to start feeding it again as soon as we can. Even though Simply Aquatics is cleaning out the tank tomorrow we will not be ordering any more product from them.

Should you have any questions or need any more information please let me know. I will await your response before proceeding.

Thanks

10/5/2009

Simply Aquatics, Inc.

P.O. Box 849
 Kirbyville, TX 75956
 (409) 420-0774 / Phone
 (409) 420-0776 / Fax

INVOICE

DATE	INVOICE #
9/17/2009	14030

BILL TO
Lee County Finance Dept PO Box 2238 Fort Myers, FL 33902-2238

Website:
www.simplyaquaticsinc.com
E-Mail:
admin@simplyaquaticsinc.com

REP	P.O. #	TERMS	DUE DATE	LOCATION NAME
WL	106637	Net 30	10/17/2009	Water Plant

ITEM	DESCRIPTION	QTY	RATE	AMOUNT
SA-92	725 Gallons - Weighs 11.56 lbs. / gallon Delivered September 17, 2009	8.381	1.08	9,051.48

09 SEP 28 PM 12:13
 LEE COUNTY FINANCE

Thank you for your business.	Total	\$9,051.48
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SIMPLY AQUATICS, INC.

P.O. Box 849
Kirbyville, TX 75956

Phone # (409) 420-0774
Fax # (409) 420-0776

October 9, 2009

Lee County
PO Box 2238
Fort Myers, FL 33902-2238

Dear Sir/Madam,

This letter is in regards to an incorrect product being shipped to the Pinewood water plant on 9-17-09. Our chemist mixed the incorrect zinc product. You were suppose to receive SA-92, our zinc orthophosphate. Instead he mixed SA-93, our bimetallic zinc metaphosphate. The fall out of the product was caused by mixing the two different phosphates together. Both products are UL approved for drinking water, they are just used for different applications.

On 10-6-09 we came and picked up the phosphates. If there is anything else we can do to resolve this matter, you can contact me at (409) 489-2302 or call the office.

Sincerely,

Willie Lyons
Sales Representative

nrf