

Mr. Gary Kloepper
Assistant Director, Maintenance Division
American Postal Workers Union, AFL-CIO
1300 L Street, NW
Washington, DC 20005-4128

RE: Q00T-4Q-C 05112929
APWU HQT200513
Washington, DC 20260-9998

Dear Mr. Kloepper:

The APWU initiated this dispute based on its belief the Postal Service contracted electrical switchgear maintenance without due consideration. The Postal Service has shown that subcontracting decisions regarding electrical switchgear maintenance are made at the local level. The parties submit the following as a full and complete understanding of how Switchgear maintenance is performed.

Switch Gear maintenance is performed in accordance with the MS-28 Handbook, Maintenance of Electrical Switchgear and the June 16, 2010 Material Logistics Bulletin (MLB) MLB-CO-05-003. All subcontracting decisions regarding electrical switchgear maintenance are made at the local level in accordance with Article 32 of the CBA.

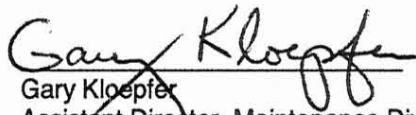
As a result, the parties will administratively close Q00T-4Q-C 05112929/HQT200513.

Please sign and return the enclosed copy of this decision as your acknowledgment of agreement.

Sincerely,



Barry Carpenter
Labor Relations Specialist
Contract Administration




Gary Kloepper
Assistant Director, Maintenance Division
American Postal Workers Union, AFL-CIO

Date: May 17, 2011

RECEIVED

By Gary Kloepper at 9:20 am, Apr 28, 2011

 MATERIAL LOGISTICS BULLETIN: National Contract Ordering Instructions	ORIGINATOR Robin R. Pacheco Contracting Officer Environmental & MRO Category Management Center, Dallas TX 214-819-7112	APPROVED BY National Supply Management Programs Materials Customer Service
	DATE ISSUED June 16, 2010	EXPIRATION DATE June 2, 2011
No. MLB-CO-05-003	SUBJECT: Mandatory National Source for Electrical Switchgear Maintenance and Testing Services, Eaton Corporation Contract #2CMROS-04-B-5329	

Comment section: This Material logistics Bulletin (MLB) replaces MLB-CO-05-003 dated 6/02/2008. Changes are made throughout the MLB to correct the Supplier's name to Eaton Corporation and to change page 1 section I. Purpose- to include definitions and page 2 section IV. update the supplier contact information and Attachment 1 – update Supplier contact information.

I. Purpose

To announce and provide ordering instructions for the national strategic partnership between the U.S. Postal Service and Eaton Corporation for electrical switchgear maintenance, which includes predictive maintenance, preventive maintenance and corrective maintenance or minor repairs.

Predictive Maintenance strives to detect the onset of equipment degradation and to address the problems as they are identified. This allows casual stressors to be eliminated or controlled, prior to any significant deterioration in the physical state of the electrical switchgear. Predictive Maintenance on electrical switchgear equipment is the annual infrared test recommended per the USPS MS-28.

Preventive Maintenance refers to a proactive managed program of inspecting, analyzing, and servicing electrical systems and equipment. Its purpose is to maintain safe operations and production by proactively identifying potential problems, and reducing or eliminating system interruptions and equipment breakdowns. Preventive Maintenance on electrical switchgear is recommended at least every 5 years per the USPS MS-28 and **usually requires a power outage.**

Corrective Maintenance refers to minor repairs, replacement and the corrective servicing of electrical switchgear equipment and apparatus. In this contract minor repairs are considered under \$10,000 and a non-construction service. All corrective maintenance repairs must be approved prior to the commencement of work. The USPS has the right to solicit offers from, and have corrections and repairs made by other suppliers.

*"Many postal facilities, due to postal policy, may obtain maintenance service from outside contractors. **If the facility cannot inspect, test and maintain its electrical switchgear, it must contract this service to Eaton Corporation, in accordance with the USPS MS-28.***

It is the Postal Service's position that local management will not be required to reduce staffing or subcontract electrical switchgear maintenance. All decisions to subcontract would still be made at the local level."

II. Background

On 06/02/2004, the U. S. Postal Service awarded a contract to provide electrical switchgear testing, maintenance and minor repairs, to Eaton Corporation. (Contract #2CMROS-04-B-5329). The period of performance for this contract is a base period of (4) years with (2) - three year renewal options. This contract is to be utilized by all postal locations in the 48 contiguous United States, Alaska, Hawaii, Puerto Rico and the Virgin Islands. Eaton Corporation is the mandatory source for the maintenance, testing and minor repairs of all electrical switchgear.

III. Effective Date

Effective 02/03/2005, all postal facilities must order their electrical switchgear maintenance and testing via eBuy.

IV. Order Placement/Required Action:

Before placing an order, you must have a valid Federal Standard Requisitioning and Issue Procedures (FEDSTRIP #) and ensure that locally established buying procedures have been followed including obtaining prior funding approval for ALL ORDERS. If orders are through eBuy2, management and funding approvals are automated. When you submit your requirement(s), eBuy2 automatically generates an approval request to the first approver in your approval chain. If additional approval is necessary, eBuy2 will generate approval requests to each subsequent approver in your approval chain. eBuy2 provides the requester with status updates and should be reviewed to assure that requests have been approved, forwarded to the supplier for fulfillment, acknowledged by the supplier, shipped by the supplier, invoiced by the supplier and Invoice certified by eBuy2.

All ordering for maintenance, testing and minor repairs of electrical switchgear must be through eBuy2. For questions prior to entering the on catalog order, contact:

Eaton Corporation
Attn: Cassie Mercer Ellis
1000 Cherrington Parkway
Moon Township, PA 15108

Telephone (Customer Service): 412-893-4049
Fax: 412-893-2110

NOTE: Complete Client Profile, before entering orders into eBuy2
(See Attachment 1)

Offices will order maintenance, testing and minor repair of electrical switchgear from the Eaton Corporation electronic catalog available on eBuy2. Contract pricing is available by calling the customer service number shown above. This pricing information is proprietary and should not be disclosed to anyone outside the Postal Service.

All questions concerning the eBuy2 system should be directed to the eBuy2 Help Desk at 1-800-USPS-HELP (say "eBuy2" when prompted). Questions concerning contract requirements, supplier performance, pricing should be directed to the Contracting Officer.

V. Transportation:

Not Applicable

VI. Delivery requirements:

Not Applicable

VII. Receipt of Orders:

Not Applicable

VIII. Obligation and Payment:

On Catalog invoicing and payment will be made through Electronic Data Interchange (EDI) using the FEDSTRIP Process and be automatically charged to the associated finance number through the San Mateo ASC.

IX. Payment Reconciliation Procedures:

eBuy2 “On Catalog” Order Payment Reconciliation Procedures:

As directed in the December 23, 2002, Policy Memorandum (reference eBuy2 Welcome Page), each ordering office must reconcile the Billing Summary Report against orders received during the specified month.

General

- Obtain Billing Summary Report.
- Reconcile for accuracy with “on catalog” purchases made and received during the month.
- Sign and date the Billing Summary report to indicate you have verified its accuracy, attach supporting documentation (packing slips, credit memos, etc.).
- Retain locally for two years, unless a longer period is required in the associated MLB.

Specific

Billing Summary Report

This report provides information on eBuy2 requisitions sent to suppliers and on certified invoices sent to Accounts Payable during a specified month. A Billing Summary Report for a specified FY and Fedstrip can be generated and viewed on line through a link on the eBuy2 home page (top banner) as well as the link on the Reports tab menu. The Billing Summary Report can be run at any time for your convenience. eBuy2 ID is not required to access the report.

Reconciliation Process

This Billing Summary, for orders placed, must be reconciled with the service tickets. If the ordering office is different from the receiving office and the ordering office is doing the reconciliation, the receiving office must forward the service tickets and the Billing Summary to the ordering office. Copies of the service tickets (submitted by the receiving office) must be used as back-up documentation for reconciliation. If pricing discrepancies are found, contact Eaton Corporation. If a satisfactory resolution cannot be reached, notify your assigned district point of contact or Robin Pacheco, Contracting Officer, (214) 819-7112. After reconciliation, always sign and date the Billing Summary. The signature and date indicates verification of the accuracy of the Billing Summary. All reconciliation documentation (packing slips, service tickets, credit memos, and Billing Summary) must be retained for a two-year period, unless a longer period is required in the associated MLB.

X. Warranty

Standard manufacturer's commercial warranty applies and varies by manufacturer; however you must contact Eaton Corporation to resolve warranty issues. If not resolved to your satisfaction, contact the Contracting Officer, Robin Pacheco at (214) 819-7112.

XI. Product Data:

The contract requires the supplier to provide a full-range of electrical switchgear maintenance, testing and minor repairs.

XII. Future Updates:

Communications with customers about future events, corrections or changes will be accomplished through updates to this Material Logistics Bulletin (MLB), articles in the Postal Bulletin and/or through the eBuy2 web site.

Attachment 1

Complete Client Profile, before entering into eBuy2

Prior to creating the request for services in eBuy2 the facility should first contact an Eaton representative for an onsite facility assessment for **all electrical switchgear required work except infrared**. In compiling critical information, the contractor must develop a project cost estimate for services to be performed at the USPS facility and submit in writing to the Manager, Maintenance or designee (i.e., COR). The contractor is required to schedule and conduct a pre-site visit at each USPS facility prior to commencing any work. The purpose of this visit is to assess the conditions, environment, configuration and unique requirements of the individual facility. The contractor will provide a template of what should be entered into the eBuy2 catalog.

If a facility does not know who their Eaton Representative is, they should contact:

Cassie Mercer Ellis, National Accounts Coordinator, Eaton Corporation

Telephone: 412-893-4049

CatherineMEllis@eaton.com

Brenda Etzel, Global Client Director, Eaton Corporation

Telephone: (858) 663-6271

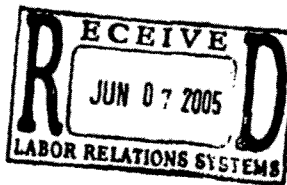
BrendaLEtzel@eaton.com

Eaton Corporation Service & Systems 24 hour per day, 7 day per week

Emergency service phone number: (800) 498-2678

Questions concerning contract requirements, supplier performance and pricing should be directed to the Contracting Officer, Robin Pacheco at (214) 819-7112.

Eaton Corporation will integrate their existing Postal contracts under the pricing provisions of this national contract. Postal facilities that have contracts with suppliers other than Eaton have the option of utilizing this contract until the next option period or until the expiration date. The Dallas purchasing team will not exercise options to extend any contracts. Once these contracts have expired, facilities will have to utilize the Eaton eBuy2 catalog. The only exception to purchasing from this contract is if the requirement is extremely urgent and the contractor cannot meet the required service date.



American Postal Workers Union, AFL-CIO

Q00T-4Q-C 05112929

Initiate National Dispute

June 3, 2005



Greg Bell
Director, Industrial Relations
(202) 842-4273 Office
(202) 371-09926 Fax
1300 L Street, N.W.
Washington, D.C. 20005

National Executive Board
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CHM "C.J." Guffey
Executive Vice President

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Industrial Relations Director

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Director, Clerk Division

Steven G. "Steve" Rhymer
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Robert C. "Bob" Pritchard
Director, MVS Division

Regional Coordinators
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Eastern Region

Elizabeth "Liz" Powell
Northeast Region

Frankie L. Sanders
Southern Region

Omar M. Gonzalez
Western Region

Mr. Anthony J. Vegliante
Vice President, Labor Relations
U.S. Postal Service, Room 9014
475 L'Enfant Plaza
Washington, D.C. 20260

Re: APWU No. HQT200513, Cert No. 70050390000138960508

Dear Mr. Vegliante:

In accordance with the provisions of Article 15, Section 2 and 4, of the Collective Bargaining Agreement, the American Postal Workers Union is initiating a Step 4 dispute.

The issues and facts involved in this dispute are as follows. Whether the Postal Service violated Article 32 Section 1 of the National Agreement and Section 530 of the Administrative Support Manual when it made its decision to subcontract electrical switchgear maintenance, testing and repairs in all facilities?

The Union alleges that contracting out of this work, which has been historically performed by career maintenance employees, violated Article 32 Section 1 of the Collective Bargaining Agreement. Article 32 requires the Postal Service provide documentation to the Union that it gave good faith consideration to the factors listed in Article 32 prior to making its decision to subcontract as well as meeting with the Union when subcontracting is being considered. In addition, Section 530 of the Administrative Support Manual restricts subcontracting this type of work unless there are no qualified maintenance employees, if the equipment is a prototype or if there is an economic advantage. In response to the Union's request for all documents related to the subcontracting decision the Postal Service provided documents that were generated after the decision to subcontract was made. In addition it failed to provide the underlying documentation which supported its Article 32 review. No evidence was submitted to demonstrate that the Postal Service gave good faith due consideration to the factors listed in Article 32 or that qualified employees were not available, that the site preparation was a prototype or an economic advantage existed.

Please contact Gary Kloefer, case officer, to discuss this dispute at a mutually scheduled time.

Step 4 - Direct Appeal

K. Rachel
D. Tulino
J. Dockins
M. Hercules (with case file)

Copy to: Union, Binder

Sincerely,


Greg Bell, Director
Industrial Relations

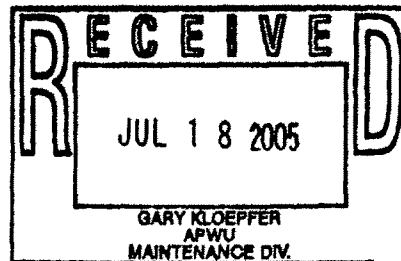
APWU #: HQT200513
Dispute Date: 6/2/2005

Case Officer: Gary Kloepfer
Contract Article(s): ;

cc: Resident Officers
File

GK/BR opeiu local#2 afl-cio

1
LABOR RELATIONS



July 14, 2005

Gary Kloepper
Assistant Director A
Maintenance Division
American Postal Workers Union, AFL-CIO
1300 L Street NW
Washington DC 20005-4128

Certified Mail Number:
7099 3400 0009 5112 0994

Dear Gary:

This letter is in response to your June 26, 2005, letter to John Dockins related to the national strategic partnership with Easton Electrical. In your letter, you ask why the Union received only exhibits 5, 6, 7 and 12 of the 13 total exhibits, which were attached to a copy of the contract provided to you. The copy of the contract and these exhibits were provided on May 26, 2005 in response to the Union's April 13, 2005 information request.

As indicated on page 32 of the contract which was provided to you, the additional remaining exhibits were not relevant to your subcontracting issue. Rather, these exhibits pertained only to specific instructions to the vendors. For these reasons, the additional exhibits did not concern your subcontracting issue.

If you have any questions concerning this matter please contact me at (202) 268-5421.

Sincerely,

Patrick M. Devine
Labor Relations Specialist
Contract Administration (APWU)



American Postal Workers Union, AFL-CIO

1300 L Street, NW, Washington, DC 20005

June 26, 2005

Gary Kloepper
Assistant Director A,
Maintenance Division
(202) 842-4213 Office
(202) 289-3746 Fax
1300 L Street, N.W.
Washington, D.C. 20005

National Executive Board

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Greg Bell
Industrial Relations Director

James "Jim" McCarthy
Director, Clerk Division

Steven G. "Steve" Raymer
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Robert C. "Bob" Prichard
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Jim Burke
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Elizabeth "Liz" Powell
Northeast Region

Frankie L. Sanders
Southern Region

Omar M. Gonzalez
Western Region

John Dockins
Labor Relations Policies and Programs
United States Postal Service
475 L'Enfant Plaza, S.W.
Washington D.C. 20260

Dear John,

I have reviewed the information you provided in response to the Union's April 13, 2005 request for information. Contained within the information you provided was a copy the contract for this work. On page 4 of Section 4 there is a list of exhibits numbering 1 – 13. The Union was not provided with the complete list of exhibits, rather the information provided was limited to Sections 5, 6, 7 and 12. As such, the information provided does not satisfy the Union April 13, 2005 request for information. I am renewing the Union's request for information so that we will receive a copy of the complete contract. I ask that you forward the above information to me as well as contacting me to arrange for a mutually acceptable time and date to discuss this issue. You may contact me at (202) 842-4213 should you have any questions regarding this matter.

Sincerely,

Gary Kloepper
Assistant Director
Maintenance Division

GK/BR opeiu local #2 afl-cio



American Postal Workers Union, AFL-CIO

April 13, 2005

Gary Kloepper
Assistant Director A,
Maintenance Division

(202) 842-4213 Office
(202) 289-3746 Fax
1300 L Street, N.W.
Washington, D.C. 20005

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Frankie L. Sanders
Southern Region

Omar M. Gonzalez
Western Region

John Dockins
Labor Relations Policies and Programs
United States Postal Service
475 L'Enfant Plaza, S.W.
Washington D.C. 20260

Dear John,

Recently the Union was made aware that the Postal Service had entered into a national strategic partnership with Easton Electrical for electrical switchgear maintenance, testing and minor repairs (Contract Number 2CMROS-04-B-5329). It is also our understanding that local management is not given the opportunity to use its own employees for the performance of this work; rather the use of contractors is mandatory. The Union has not received any advance notice of this subcontracting and it appears that the Postal Service may have ignored its contractual obligations as found in Article 32 Section of the Collective Bargaining Agreement.

The Union requests a meeting to discuss the above issue with the appropriate subject matter experts for the Postal Service. In addition, the Union is requesting.

1. A copy of the contract.
2. The number of work hours used performing the subcontracted work by non-postal employees as well as an explanation of the method the Postal Service will use to track future work hours covered by this contract.
3. Is the subcontracted work caused in whole or in part by a technological or mechanization change to an existing system? If yes, please identify. If no, provide written justification.
4. The specific reason for subcontracting this work rather than using current bargaining unit employees as well as all the documents and data that was relied upon to make the subcontracting decision.
5. The Maintenance Staffing levels at the affected offices.
6. The number of vacancies at each of the affected offices.
7. A copy of the Return on Investment.
8. A copy of the Statement of Work.

9. A copy of the Decision Analysis Report
10. A copy of all data and documents relied upon by the Postal Service in making its decision that the subcontracted work did not have a significant impact on the bargaining unit.

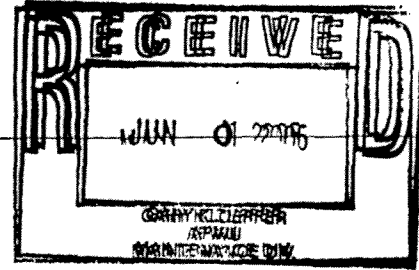
I ask that you forward the above information to me as well as contacting me to arrange for a mutually acceptable time and date to discuss this issue. You may contact me at (202) 842-4213 should you have any questions regarding this matter.

Sincerely,



Gary Kloepler
Assistant Director
Maintenance Division

GK/BR OPEIU#2



May 26, 2005

Gary Kloepfer
Assistant Director A
Maintenance Division
American Postal Workers Union,
AFL-CIO
1300 L Street NW
Washington DC 20005

Certified Mail Number:
7004 1160 0007 1013 4876

Dear Gary:

This letter is in response to your April 13, 2005, letter requesting information related to the national strategic partnership with Easton Electrical for electrical switchgear maintenance, testing, and minor repairs. Your specific questions are addressed below.

1). A copy of the contract.

Enclosed

2). The number of work hours used performing the subcontracted work by non-postal employees, as well as, an explanation of the method the Postal Service will use to track future work hours covered by this contract.

The number of work hours performed under this contract is tracked on the work performance report and will depend on which offices or facilities request services under this contract. Since June 2004, when the contract was awarded a total of 2480, work hours have been utilized at various facilities under this contract.

3). Is the subcontracted work caused in whole or in part by a technological or mechanization change to an existing system? If yes, please identify. If no, provide written justification.

The Postal Service does not agree that the work referenced in this contract is postal service work. Electrical switchgear maintenance and testing services (600 volts or higher) that can not be performed by postal employees has been historically contracted out. The purpose of this national contract is to consolidate existing electrical maintenance and service contracts into one national contract for electrical switchgear maintenance and testing. Contracts which previously existed will be phased out at their expiration or renewal dates.

4). The specific reason for subcontracting this work rather than using current bargaining unit employees, as well as, all documents and data that was relied upon to make the subcontracting decision.

Again, the Postal Service does not agree that the work referenced in the contract is postal service work. As it states in the MS-28, high voltage electrical maintenance (600 bolts or higher) is done on contract. Because of the extremely dangerous voltages and currents present in electrical switchgear, precise attention must be paid to safety rules and proper working conditions so to protect both personnel and equipment.

5) A copy of the Return of Investment.

It is estimated that there will be a \$1.12M return on investment by funneling all spend for electrical switchgear equipment services through strategic sourcing. Again, the performance of electrical switchgear equipment service by an outside source is not a new initiative.

6) A copy of the Statement of Work.

The statement of work is a part of the contract which is enclosed.

7) A copy of the DAR.

No DAR was developed.

8) A copy of all data and documents relied upon by the Postal Service in making its decision to subcontract this work.

Again, the Postal Service does not agree that work related to electrical switchgear equipment service is work which is normally performed by postal service employees.

If you have any questions related to this information please contact Pam Molloy at 202-268-7488.

Sincerely,


John W. Dockins
Manager
Contract Administration

Enclosure

ORDER/SOLICITATION/OFFER/AWARD

OFFEROR TO COMPLETE BLOCKS 13, 14, 18, 19, 23, 24 and 28				1. REQUISITION NO. 04-05857		PAGE 1 OF 2	
2. CONTRACT/ORDER NO. 2CMROS-04-B-6329		3. AWARD/EFFECTIVE DATE 06/02/2004		4. MASTER/AGENCY CONTRACT NO.		5. SOLICITATION NO. 2CMROS-04-A-0609	
7. FOR SOLICITATION INFORMATION CALL		a. NAME Robin R. Pacheco		b. TELEPHONE NO. (214) 819-7112		c. FAX NO. (214) 819-7125	
9. ISSUED BY: UNITED STATES POSTAL SERVICE MRO CATEGORY MANAGEMENT CENTER P O BOX 667190 DALLAS TX 75266-7190 EMAIL: robin.r.pacheco@usps.gov				10. ACO CODE		11. SOLICITATION METHOD <input type="checkbox"/> RFQ <input checked="" type="checkbox"/> RFP <input type="checkbox"/> ORAL	
				12. DELIVERY FOR FOB DESTINATION UNLESS BLOCK IS CHECKED <input type="checkbox"/> SEE SCHEDULE		13. DISCOUNT TERMS NET 30	
14a. SUPPLIER EATON ELECTRICAL INC. 9610 RIDGEHAVEN COURT, SUITE A SAN DIEGO, CA 92123 TEL: 858-514-2400 FAX: 858-514-2410 EMAIL: BRENDA.L.ETZEL@EATON.COM				16a. BILLING ADDRESS NOT APPLICABLE			
14b. <input checked="" type="checkbox"/> CHECK BOX IF REMITTANCE IS DIFFERENT AND PUT SUCH ADDRESS IN OFFER				16b. SUBMIT INVOICES TO ADDRESS SHOWN BLOCK 15a UNLESS BLOCK IS CHECKED <input type="checkbox"/> SEE ADDENDUM			
18. TYPE OF BUSINESS ORGANIZATION (Check all that apply) a. <input type="checkbox"/> MINORITY BUSINESS <input type="checkbox"/> BLACK AMERICAN <input type="checkbox"/> HISPANIC AMERICAN <input type="checkbox"/> NATIVE AMERICAN <input type="checkbox"/> ASIAN AMERICAN b. <input type="checkbox"/> WOMAN-OWNED c. <input type="checkbox"/> SMALL BUSINESS d. <input type="checkbox"/> EDUCATIONAL INSTITUTION e. <input type="checkbox"/> NON-PROFIT ORGANIZATION f. <input checked="" type="checkbox"/> NONE OF THE ABOVE ENTITIES				17a. DELIVERY ADDRESS See Part I			
18. TAXPAYER IDENTIFICATION NO: 34-1756467				17b. TELEPHONE NO.: 17c. DELIVER BY/END DATE: 06/02/2004 through 06/01/2008			

19. ITEM NO.	20. SCHEDULE OF SUPPLIES/SERVICES	21. QUANTITY	22. UNIT	23. UNIT PRICE	24. AMOUNT
0001	The United States Postal Service (USPS) intends to award one (1) or more contracts to Provide Electrical Switchgear Maintenance and Testing Services to Postal Facilities within the 48 contiguous United States (CONUS), Alaska, Hawaii, Puerto Rico and the Virgin Islands. Supplier(s) shall provide all management, labor, materials, equipment, transportation and	1,000	LS		

25. TOTAL AWARD AMOUNT (USPS Use Only)	
26. <input checked="" type="checkbox"/> The supplier is required to sign this document and return 1 copies to the issuing office. The supplier agrees, subject to the terms and conditions specified herein to provide and deliver all items identified above and on any additional sheets.	27. <input checked="" type="checkbox"/> Award of Contract: Your offer on solicitation (block 5) is accepted as to items
28a. SIGNATURE OF SUPPLIER <i>Brenda L. Etzel</i>	29a. UNITED STATES POSTAL SERVICE (SIGNATURE OF CONTRACTING OFFICER) <i>Robin R. Pacheco</i>
28b. PRINTED NAME AND TITLE OF SUPPLIER BRENDA L. ETZEL NATIONAL ACCOUNTS MANAGER	29b. PRINTED NAME OF CONTRACTING OFFICER Robin R. Pacheco
28c. DATE SIGNED 4/9/04	29c. DATE SIGNED 6/2/2004