



Board Agenda Item 24

DATE: June 6, 2023

TO: Board of Supervisors

SUBMITTED BY: Lisa A. Smittcamp, District Attorney

SUBJECT: Agreement with Penlink, Ltd.

RECOMMENDED ACTION(S):

1. **Make a finding that it is in the best interest of the County to suspend the competitive bidding process consistent with Administrative Policy No. 34 for unusual or extraordinary circumstances as Penlink, Ltd. is the current service provider of a proprietary system meeting specific requirements for software maintenance/support as it pertains to the wire room expansion project for the Multi-Agency Gang Enforcement Consortium;**
2. **Approve and authorize the Chairman to execute an agreement with Penlink, Ltd. for software and maintenance support, effective June 6, 2023, which includes a three-year and seven-month base contract with one optional one-year extension, total not to exceed \$324,644; and**
3. **Adopt Budget Resolution increasing FY 2022-23 appropriations and estimated revenues for the District Attorney Org 2860 in the amount of \$196,865 (4/5 vote).**

There is no increase in Net County Cost associated with the recommended actions. Approval of the recommended agreement will allow the District Attorney's Office to continue the wire room expansion project for the Multi-Agency Gang Enforcement Consortium (MAGEC), which allows for investigations into electronic communications. On December 1, 2022, the County of Fresno Purchasing Division (ISD-Purchasing) executed a Purchase Order with Penlink, Ltd. for equipment and initial software licenses for the wire room. The recommended Board agreement will secure additional licenses and ongoing maintenance/support costs over the life of the agreement. This item is countywide.

ALTERNATIVE ACTION(S):

If the recommended actions are not approved, MAGEC would not be able to continue to fund the ongoing costs associated with utilizing the Penlink software and associated maintenance which would impact future criminal investigations in Fresno County.

SUSPENSION OF COMPETITION/SOLE SOURCE CONTRACT:

The Department's request to suspend the competitive bidding process consistent with Administrative Policy no. 34 results from the fact that Penlink's electronic surveillance systems are the industry standard and are essential in the coordinated efforts with the Fresno Police Department and California Highway Patrol for the MAGEC program. A letter of interest was not issued, as this agreement is for the continued use of Penlink's proprietary platform that has been utilized by the MAGEC program making the vendor familiar with the needs and expectations of the County. ISD-Purchasing concurs with the Department's request to suspend the competitive bidding process.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended actions. The total system cost, including five years of annual maintenance is \$766,865 and is funded as follows:

- **\$320,000** - Fresno Police Department funded a portion of the hardware and software licenses through their Project Safe Neighborhood grant.
- **\$250,000** - District Attorney's Office, Proposition 172 funds for expansion of the wire room split as follows:
 - \$122,221 - hardware and software licenses for the expansion.
 - \$127,779 - additional licenses and maintenance costs.
- **\$196,865** - AB 109 2011 Realignment funds approved by the Community Corrections Partnership, which is associated with the third recommended action to increase appropriations and estimated revenues in the District Attorney's Org 2860 FY2022-23 budget.

Services provided under the recommended agreement shall not exceed \$324,644, which includes the \$127,779 in Prop 172 and \$196,865 AB 109 funds as referenced above over the four-year term of the agreement. Sufficient appropriations and estimated revenues for the wire room are included in the FY 2022-23 Adopted Budget Org 2860 and will be included subsequent budget requests for the District Attorney.

DISCUSSION:

The Multi-Agency Gang Enforcement Consortium (MAGEC) was established 25 years ago to combat gang violence within the Region. As the Region's gangs evolved, their members have become more sophisticated, relying heavily on electronic communications and social media to facilitate criminal behavior. This has led to MAGEC utilizing electronic intercepts as an investigative tool to monitor and combat gang related activities.

Until recently, MAGEC only possessed the capacity to conduct electronic intercept investigations on a limited basis and had to rely on the Department of Justice (DOJ) for assistance. The solution to this obstacle required increasing MAGEC's electronic intercept capacity by expanding the current 10-line system housed on DOJ's server to a 25-line stand alone system housed at MAGEC.

The first year of maintenance and support was included in the initial purchase of the equipment and software. Because the annual maintenance and support costs exceed MAGEC's yearly funding, it is proposed that the remaining four years of annual maintenance and support fees be paid up front. Doing so locks in the cost for five years and eliminates the need to secure additional funding for MAGEC. The recommended agreement provides that if the optional one-year extension is not exercised, the County will be refunded that portion of the prepaid amount.

ATTACHMENTS INCLUDED AND/OR ON FILE:

Suspension of Competition Acquisition Request
On file with Clerk - Agreement with Penlink
On file with Clerk - Resolution (Org 2860)

CAO ANALYST:

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