



# Board Agenda Item 27

DATE: August 20, 2024

TO: Board of Supervisors

SUBMITTED BY: John Zanoni, Sheriff-Coroner-Public Administrator

SUBJECT: Retroactive Agreement with Thales DIS USA, Inc. for Maintenance and Support

RECOMMENDED ACTION(S):

- 1. Under Administrative Policy No. 34, determine that an exception to the requirements for competitive bids or requests for proposals is satisfied due to unusual or extraordinary circumstances, and that the best interests of the County would be served by entering into an Agreement with Thales DIS USA, Inc. for maintenance and technical support for the Automated Fingerprint Identification System and integrated Mug Photo System, as Thales DIS USA, Inc. is the only vendor with expertise to maintain the County's existing Thales system; and**
- 2. Approve and authorize the Chairman to execute a retroactive Agreement with Thales DIS USA, Inc. for the maintenance of the County's Automated Fingerprint Identification System (AFIS) and integrated Mug Photo System, effective January 1, 2024, not to exceed five consecutive years, which includes a three-year base contract and two optional one-year extensions, total not to exceed \$1,791,168.**

There is no Net County Cost associated with the recommended actions. Approval of the recommended actions will allow Thales DIS USA, Inc. (Thales) to provide maintenance and technical support to remain in compliance with the Department of Justice requirements and to augment the performance and capabilities of the AFIS and mug photo system installed at Sheriff's Office facilities throughout Fresno County. This item is countywide.

ALTERNATIVE ACTION(S):

There is no viable alternative action. Should your Board not approve the recommended actions, Thales will terminate its current maintenance and technical support. Without an operational fingerprint and mug photo system, Sheriff deputies and allied agencies' police officers would have more difficulty positively identifying suspects while the Department starts the RFP process to find a new vendor and system to use the funds allocated to the County by Vehicle Code 9250.19.

SUSPENSION OF COMPETITION/SOLE SOURCE CONTRACT:

The Sheriff-Coroner's Office recommends that your Board find that under AP 34 an exception to the requirements for competitive bids or requests for proposals is satisfied due to unusual or extraordinary circumstances, as the system installed at Sheriff's Office facilities is provided only by Thales and no other vendor has the expertise to maintain the Thales system. The Internal Services Department - Purchasing concurs with the Department's request to waive the competitive bidding process.

RETROACTIVE AGREEMENT:

The recommended agreement is retroactive to January 1, 2024, for maintenance and support of the installed AFIS and mug photo system. Delays in negotiations provided prevented the recommended agreement from being presented to your Board at an earlier date.

FISCAL IMPACT:

There is no Net County Cost associated with the recommended actions. All costs associated with purchases and maintenance under the recommended agreement are fully offset with Cal-ID funding established by Vehicle Code Section 9250.19. As required by statute, these funds are not part of the County General Fund, instead they are kept in a separate fund and reflected in Org 9052. Sufficient appropriations and revenues for the recommended agreement will be included in this Org and will be included for future years.

DISCUSSION:

Pursuant to Vehicle Code Section 9250.19, the California Department of Motor Vehicles collects one additional dollar from the registration paid for private vehicles and two dollars for commercial vehicles registered within Fresno County. The funds collected may only be used to fund programs that enhance the capacity of local law enforcement to provide mobile and fixed location fingerprint identification of subjects who may be involved in driving under the influence of alcohol or drugs, or vehicular manslaughter or other crimes committed while operating a motor vehicle.

Equipment purchased with these funds must be approved by the Cal-ID Remote Access Network (RAN) Board comprised of a member of the Board of Supervisors, the Sheriff, the District Attorney, two police chiefs, a mayor of a city within the county, and a member at large. Subsequent to this approval, the RAN Board makes a recommendation to the Board of Supervisors on the purchase of equipment. As the Chairman of the RAN Board, the Sheriff is making this recommendation to the Board of Supervisors.

The Contractor is the sole vendor of the automated fingerprint identification system installed at the Sheriff's Office facilities, which system was purchased in 2005 from Thales, formerly Cogent Systems, which was acquired by 3M, which became 3M Cogent, which was then acquired by Gemalto, and became Gemalto Cogent, which was then acquired by Thales. This system has been maintained throughout the years by these companies.

The recommended agreement contains a non-standard limitation on liability, which provides that excluding claims for indemnification, Thales' liability shall be limited to the total amount of fees paid by the County during the twelve-month period immediately preceding the notice of claim; however, the Sheriff's Office staff believes that the benefits of entering into the recommended agreement outweigh any potential risks.

ATTACHMENTS INCLUDED AND/OR ON FILE:

Suspension of Competition Acquisition Request  
On file with Clerk - Agreement with Thales DIS USA, Inc.

CAO ANALYST:

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