



Legislation Text

File #: 23-0794, Version: 1

DATE: August 22, 2023
TO: Board of Supervisors
SUBMITTED BY: Kirk Haynes, Chief Probation Officer
SUBJECT: Retroactive Amended and Restated Agreement with Satellite Tracking of People, LLC

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 Satellite Tracking of People, LLC (STOP) is an established vendor through Western States Contracting Alliance-National Association of State Procurement Officials (WSCA-NASPO) and can ensure continuity of services and access to preferential pricing until the new NASPO contract is established; and**
- 2. Approve and authorize the Chairman to execute an agreement that amends, restates, replaces, and supersedes the existing Procurement Agreement with STOP, retroactive to June 1, 2023, for continued GPS electronic monitoring and services and alcohol detection equipment and services, effective June 1, 2023, not to exceed thirteen months, and increasing the maximum by \$1,244,894, total not to exceed \$1,444,893.**

There is no additional Net County Cost associated with the recommended actions. Approval of the recommended agreement will allow Probation to continue utilizing Satellite Tracking of People, LLC (STOP) pricing carried over from the former National Association of State Procurement Officials (NASPO) Value Point - Electronic Monitoring of Offenders Contract #00212 (NASPO Contract), for GPS electronic monitoring and alcohol detection equipment and monitoring services for individuals involved with the Probation Department. Approval of the recommended actions will suspend the competitive bidding process, and replace, restate, and supersede Procurement Agreement No. P-23-234 for these services and retroactively set the start date for the agreement to June 1, 2023. The rates in the recommended agreement are the same as the rates in Procurement Agreement No. P-23-234. The recommended agreement will be for up to thirteen months through June 30, 2024. This item is countywide.

ALTERNATIVE ACTION(S):

If the recommended actions are not approved, the Department will work with the Purchasing Division to determine options available to obtain these necessary services, such as issuing a new Request for Quotation (RFQ), which will result in a gap in services.

SUSPENSION OF COMPETITION CONTRACT:

The Department's request to suspend the competitive bidding process, consistent with Administrative Policy No. 34, results from the fact that County has contracted with Satellite Tracking of People (STOP) for GPS electronic monitoring services since 2013, piggybacking on the NASPO Contract to secure preferential pricing for these services. The NASPO Contract expired on 05/31/23, as did the County's piggybacking agreement, A-22-578. STOP was amenable to establishing a Procurement Agreement to maintain the same services to

County, with no increase in pricing, which was established effective June 1, 2023. NASPO is currently working on developing a new master agreement for these services, but it is unclear when the new agreement will be established. Additionally, the cost of these services may exceed the authority of the Purchasing Manager by August 31, 2023. STOP agreed to a short-term agreement to maintain the current services with no increase to the current pricing, until the new NASPO agreement is established. The recommended agreement will not only allow the Department to continue to access the preferential pricing but will also ensure continuity of electronic monitoring and services and alcohol detection equipment and services until the new agreement is established. The ISD - Purchasing concurs with the Department's request to suspend the competitive bidding process.

RETROACTIVE AGREEMENT:

On July 12, 2023, the Department reached a verbal agreement with STOP regarding establishing the recommended agreement to amend, restate, replace and supersede the existing Procurement Agreement. The recommended agreement will be retroactive to June 1, 2023, and is being brought to your Board in accordance with agenda item processing timelines.

FISCAL IMPACT:

There is no increase in the Net County Cost associated with the recommended actions. The recommended agreement will allocate \$1,444,893 for the potential 13-month term of the recommended agreement. There are sufficient appropriations and estimated revenues in the FY 2023-24 Recommended Budget for Probation's Org 3430 and will be included in subsequent budget requests. No invoices are being held at this time.

DISCUSSION:

On September 9, 2012, the State of Washington on behalf of the Western States Contracting Alliance-National Association of State Procurement Officials (WSCA-NASPO), a cooperative purchasing organization facilitating public procurement solicitations and agreements, issued a Request for Proposal for the Electronic Monitoring of five categories: Radio Frequency, Alcohol, Transdermal Alcohol, Satellite Tracking GPS one-piece device and Satellite Tracking GPS multi-piece systems. Seven proposals were received. On February 4, 2013, and February 5, 2013, an evaluating team completed evaluation and scoring of each vendor's proposal for each monitoring equipment and service category bid. The evaluation was based on "Best Value".

The Purchasing Manager is authorized to join with other public entities for collectively preparing specifications; requesting and receiving quotations or proposals for piggybacking purposes; and making an award to the lowest responsive, responsible bidder if the source selection method used is in compliance with the requirements of the Purchasing Manual. Purchasing may also use State of California Cooperative Purchasing Contracts if the items under a State contract meet the County's needs, and if it is unlikely that a separate County bid would result in prices, terms and/or conditions that are more favorable. Contract buying groups are considered to take the place of competition if, in Purchasing's opinion, it is in the best interest of the County.

The County has contracted with STOP for GPS electronic monitoring services since 2013, piggybacking on NASPO's Electronic Monitoring of Offenders Contract to secure preferential pricing for these services.

On August 6, 2019, the Board approved an Amended and Restated Agreement with STOP, with a maximum compensation amount of \$600,000. The agreement was subsequently amended on October 20, 2020, to increase the maximum compensation to \$1,100,000, and extend the term to December 31, 2021. The agreement was amended a second time on August 10, 2021, to add alcohol detection equipment and services, increase the maximum compensation amount to \$1,900,000, and extend the term to December 31, 2022. On April 5, 2022, the Board approved a third amendment to the agreement with Satellite Tracking of People, LLC, which provided additional GPS electronic monitoring equipment and enhanced monitoring

services for adult offenders and increased the maximum compensation to a total of \$2,411,456. On December 13, 2022, the Board approved a fourth amendment to the agreement with Satellite Tracking of People, LLC, which extended the agreement through May 31, 2023, and increased the maximum compensation by \$555,728 to a total of \$2,967,184. The agreement has since expired, with the expiration date of the NASPO Contract. Effective June 1, 2023, a Procurement Agreement was established with STOP, which allowed the Department to maintain preferential pricing for services, while awaiting the completion of the new NASPO agreement. At this time, NASPO has been unable to provide a date as to when the new NASPO agreement will be established, and expenditures under the current Procurement Agreement forecast that expenditures may exceed the spending authority of the Purchasing Manager by August 31, 2023.

The recommended agreement will allow the Department to continue to have access to preferential pricing through June 30, 2024. This will also ensure continuity of electronic monitoring and services and alcohol detection equipment and services until the new NASPO agreement is established. These services provide monitoring for offenders under supervision of the Probation Department and are crucial to both the Department and to the Courts. Approval of the recommended actions will suspend the competitive bidding process, and will replace, restate, and supersede Procurement Agreement No. P-23-234 for these services, and retroactively set the start date for the agreement to June 1, 2023.

REFERENCE MATERIAL:

BAI #54, December 13, 2022
BAI #45, April 5, 2022
BAI #36, August 10, 2021
BAI #38, October 20, 2020
BAI #42, August 6, 2019

ATTACHMENTS INCLUDED AND/OR ON FILE:

Suspension of Competition Acquisition Request
On file with Clerk - Agreement with STOP

CAO ANALYST:

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