



## Legislation Details (With Text)

**File #:** 16-0552

**On agenda:** 2/28/2017

**Final action:** 2/28/2017

**Enactment date:**

**Enactment #:** Agreement No. 17-049, Resolution No. 17-131

**Title:** Make a finding that it is in the best interest of the County to waive the competitive bidding process consistent with Administrative Policy No. 34 for unusual or extraordinary circumstances for the Sheriff-Coroner's Office to purchase equipment and services from Hitachi Data Systems; approve and authorize the Chairman to execute retroactive Agreement through Amendment I and Exhibits to Agreement with Hitachi Data Systems for the continued installation of the Video Infrastructure Protection Program, effective March 24, 2016 through March 31, 2021 which includes a three-year base contract and two optional one-year extensions, total not to exceed \$500,000; and adopt Budget Resolution increasing FY 2016-17 appropriations and estimated revenue for Sheriff-Coroner's Org 3111 in the amount of \$450,000 (4/5 vote)

**Attachments:** 1. Agenda Item, 2. Agreement A-17-049 with Hitachi Data Systems, 3. Resolution No. 17-131, 4. Hitachi DPA

Date	Ver.	Action By	Action	Result
2/28/2017	1	Board of Supervisors	Approved (Consent Agenda)	Pass

**DATE:** February 28, 2017

**TO:** Board of Supervisors

**SUBMITTED BY:** Margaret Mims, Sheriff-Coroner

**SUBJECT:** Purchase of Homeland Security Equipment and Retroactive Agreement with Hitachi Data Systems, for the Installation of the Video Infrastructure Protection Program

### RECOMMENDED ACTION(S):

- 1. Make a finding that it is in the best interest of the County to waive the competitive bidding process consistent with Administrative Policy No. 34 for unusual or extraordinary circumstances for the Sheriff-Coroner's Office to purchase equipment and services from Hitachi Data Systems;**
- 2. Approve and authorize the Chairman to execute retroactive Agreement through Amendment I and Exhibits to Agreement with Hitachi Data Systems for the continued installation of the Video Infrastructure Protection Program, effective March 24, 2016 through March 31, 2021 which includes a three-year base contract and two optional one-year extensions, total not to exceed \$500,000; and**
- 3. Adopt Budget Resolution increasing the FY 2016-17 appropriations and estimated revenues for Sheriff-Coroner Org 3111 in the amount of \$450,000 (4/5 vote).**

There is no increase in Net County Cost associated with the recommended actions. The Sheriff-Coroner's Office was awarded additional grant funds of \$105,000 in 2014, \$126,515 in 2015, and \$218,485 in 2016 from the State Homeland Security Protection (SHSP) program in order to provide additional visual/video security to specified locations throughout Fresno County. The first and second recommended actions will approve a retroactive agreement with Hitachi Data Systems (Hitachi) to allow for the installation of additional equipment, to extend the warranty period of the existing installation, provide for maintenance and support of the new installation, as well as ratify an agreement with Hitachi executed by Sheriff staff in March 2016. The third

recommended action increases appropriations and estimated revenues in the amount of \$450,000 for the purchase of additional equipment and services using SHSP funding.

**ALTERNATIVE ACTION(S):**

Non-approval of the recommended actions will result in the loss of the grant funds authorized for this project and impact the ability to expand security to critical locations.

**SUSPENSION OF COMPETITION/SOLE SOURCE CONTRACT:**

The department requests the Board waive the competitive bidding process consistent with Administrative Policy No. 34. In 2014 Hitachi acquired the video integration company (Avrio) that installed all of the current Video Infrastructure Protection Program (VIPP) cameras and related equipment. Hitachi has continued to install cameras and provide maintenance for the VIPP since taking over for Avrio. Hitachi has retained the same staff that originally designed, engineered and installed the current VIPP equipment. This intimate knowledge of the system is critical for the continued expansion and support of the VIPP. If another vendor were selected, the conversion, implementation and training would be very costly and time consuming to the Sheriff-Coroner's Office. The Internal Services Department Purchasing Division has reviewed and approved the Suspension of Competition.

**RETROACTIVE AGREEMENT:**

This Agreement is retroactive to March 24, 2016 to ratify the Direct Purchase Agreement (DPA) with Hitachi (to extend the warranty and maintenance of the existing and new VIPP equipment) signed by department staff.

**FISCAL IMPACT:**

There is no increase in Net County Cost associated with the recommended actions. The Sheriff-Coroner's Office was awarded additional grant funds of \$105,000 in 2014, \$105,000 in 2015, and \$218,485 in 2016 from the State Homeland Security Protection (SHSP) program in order to provide additional visual/video security to specified locations throughout Fresno County. The SHSP program was also awarded \$6,515 for staff training and \$15,000 for Project Management for a total allocation of \$126,515 in 2015. The total for SHSP funding for all three years is \$450,000. Total costs of \$500,000 for the purchase of additional equipment and services will be funded by SHSP (\$450,000) and Justice Assistance Grant funds that are already included in the FY 2016-17 Adopted Budget (\$50,000) for Org 3111. Approval of the recommended resolution will increase appropriations and estimated revenues in the FY 2016-17 Sheriff-Coroner Org 3111 budget in the amount of \$450,000 using grant funds from the SHSP program to purchase additional equipment and services. It should be noted that SHSP 2014 and 2015 funds were not previously appropriated because progress on the project was delayed pending completion of certain requirements at designated locations on County property. Additional contract funding and equipment purchases were dependent upon the County's completion of these requirements. The Sheriff-Coroner was notified on March 16, 2016 of the \$126,515 in SHSP funds awarded as part of the Office of Emergency Services (OES) FY 2015 Homeland Security Grant Program.

**DISCUSSION:**

In the spring of 2005, the U.S. Department of Homeland Security announced the availability of grant funding specifically through the State Homeland Security Program (SHSP), Buffer Zone Protection Program (BZPP), and the Law Enforcement Terrorism Prevention Program (LETPP). These funds are authorized to purchase equipment to protect and secure areas surrounding critical infrastructure and key resource sites such as chemical facilities, dams, and nuclear plants across the country. The grants provide targeted funding through states to local jurisdictions to purchase equipment that will extend the zone of protection beyond the gates of these critical facilities. The intent of each grant program is to assist and encourage local government agencies to work with the nation's prevention, preparedness, and response community and the private sector

in a national effort to combat terrorism and secure our homeland.

On December 7, 2010, your Board approved an Agreement with Avrio Group in the amount of \$1,137,998 to install a VIPP. On December 11, 2012, your Board approved Amendment I to Agreement 10-651 to extend the contract date to March 31, 2016 and to increase the maximum amount of the contract to \$1,827,983. Avrio Group was acquired by Hitachi Data Systems on September 5, 2014, and your Board subsequently approved the assignment of Avrio to Hitachi on February 10, 2015. On March 24, 2015, your Board approved Amendment II to Agreement 10-651 to increase the maximum amount of the contract to \$2,027,983.

This project is an ongoing endeavor to provide security for identified critical infrastructure sites within the County. The initial project provides an electronic video backbone that allows the video cameras to transmit video to Headquarters where department members can control and record the activity. Several cameras have been installed; however, there are numerous sites that still need cameras and other equipment installed. Sheriff-Coroner's operation staff has identified those numerous sites as needing further protection and requiring installation of new equipment and cameras. These sights meet the requirements of the funding source. This ongoing project will require several more pieces of equipment, some unique to the sites but generally to include cameras, cabling (electrical and video), switches, mesh radios, antennas, conduit, monitors, work stations, video management software, solar power equipment, repeaters, encoders, engineering, installation, and system maintenance service. Hitachi staff designed and engineered the video system currently in use by the Sheriff-Coroner's Office. This knowledge of the existing system is critical to the continued expansion and support of the VIPP.

In March 2016, prior to the expiration of Agreement 10-651, Hitachi staff presented the Sheriff-Coroner's field staff with a new DPA in order to continue with the VIPP project and extend the warranties. In order to extend the warranty and maintenance of the existing and new equipment, with no lapse in service, field staff signed Hitachi's DPA on March 24, 2016. Shortly thereafter, it came to the attention of Sheriff's administration that field staff had signed the DPA. Therefore, administrative staff began the contract development process so that an agreement could be taken to the Board. During the process, Sheriff staff requested a new contract be developed for Board approval rather than amending the DPA, but Hitachi advised that their contract process would not allow for a new contract since an agreement had already been created and signed. Therefore, to not lose or void any warranties with Hitachi, a retroactive amendment is recommended to your Board to ratify the DPA agreement and to amend the signatures in Hitachi's DPA to include the Chairman's signature. The DPA also includes a maintenance agreement, referenced as Exhibit A of the DPA, which will require the Chairman's signature. The maintenance agreement will allow the County to request necessary maintenance on the video infrastructure system.

The Amendment and maintenance agreement include the County's contract boilerplate language including liability, insurance, and termination without cause clause. The Amendment also adds the County's boilerplate signature block, the County's Self-Dealing Transaction Disclosure Form, and a Term and Termination paragraph that was not originally included in the DPA. The Term of the DPA through the Amendment is a three-year agreement with two additional consecutive twelve-month extension periods, upon written approval by both parties. The Sheriff-Coroner or designee is authorized to execute approval for the extensions based on satisfactory performance.

Approval of the first and second recommended actions to approve the Agreement in the amount of \$500,000 will allow the County to continue to work with the vendor on the VIPP. The funding will be used to expand the current system for continuing phases and system maintenance. Approval of the third recommended action will allow the Sheriff-Coroner Office to utilize prior years Homeland funds to purchase equipment, training and services needed to provide additional security for Homeland Security related operations.

The Sheriff-Coroner's Office has set up a review process for all agreements before they are signed. The Sheriff-Coroner's Business Manager or a Captain must review the agreements brought forward to identify the appropriate action to be taken.

REFERENCE MATERIAL:

BAI # 21, March 24, 2015  
BAI # 25, February 10, 2015  
BAI # 42, December 16, 2014  
BAI # 15, December 11, 2012  
BAI # 23, December 7, 2010

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Amendment I  
On file with Clerk - Exhibit A & B  
On file with Clerk - Resolution  
On file with Clerk - Direct Purchase Agreement (DPA)

CAO ANALYST:

Jeannie Z. Figueroa