



Board of Directors MEETING MINUTES

LOS ANGELES REGIONAL INTEROPERABLE COMMUNICATIONS SYSTEM AUTHORITY

December 13, 2012

Grace E. Simons Lodge
1025 Elysian Park Drive, Los Angeles, CA 90012

Board Members Present:

William "Bill" T Fujioka Chair, CEO, County of Los Angeles
Brian Cummings, Fire Chief, City of Los Angeles Fire Department
Gerry F. Miller, Chief Legislative Analyst, City of Los Angeles
Timothy Scranton, Fire Chief, City of Beverly Hills, representing the Los Angeles Area Fire Chiefs Association
Mark R. Alexander, City Manager, City of La Cañada Flintridge, representing the Contract Cities Association
LeRoy J. Jackson, City Manager, City of Torrance, representing At Large Seat
Gregory "Greg" L. Simay, Assistant General Manager, City of Burbank Water & Power, representing At Large Seat
Kim Raney, Police Chief, City of Covina, representing At Large Seat

Representatives For Board Members Present:

Patricia "Patty" J. Huber, representing Miguel Santana, for the City of Los Angeles Chief Administrative Office
Sandy Jo MacArthur, representing Charles "Charlie" L. Beck, Vice Chair, for the City of Los Angeles Police Department
Mark J. Bennett, representing Daryl L. Osby, for the County of Los Angeles Fire Department
David Betkey, representing Leroy "Lee" D. Baca, for the County of Los Angeles Sheriff Department
Cathy Chidester, representing Dr. Mitchell H. Katz, for the County of Los Angeles Department of Health Services
Nancy L. Ramirez, representing Steven K. "Steve" Zipperman, for the Los Angeles School Police Department
Mike Sarjeant, representing Reginald "Reggie" Harrison, for the City of Long Beach
Dave Tankenson, representing Donald "Don" Pedersen, City of Culver City, At Large Seat

Officers Present:

Pat Mallon, LA-RICS Executive Director
Patricia Saucedo, Board Secretary

Absent:

Scott Pickwith, Police Chief, City of La Verne, representing the Los Angeles County Police Chiefs Association
Wendy L. Watanabe, Auditor-Controller, County of Los Angeles
Mark J. Saladino, Treasurer and Tax Collector, County of Los Angeles



I. CALL TO ORDER

II. ANNOUNCE QUORUM – Roll Call

Chair Bill Fujioka made an acknowledgement that a quorum was present.

III. APPROVAL OF MINUTES – (1)

1. November 8, 2012, Special Meeting Minutes. **MOTION APPROVED.**

IV. CONSENT CALENDAR – (None)

V. REPORTS – (2–5)

2. Committee Reports

- a. Finance Committee – No Report
- b. Legislative Committee – No Report
- c. Operations Committee – No Report
- d. Technical Committee – No Report

3. Director's Report – Pat Mallon

Executive Director Pat Mallon provided an update on the status of the LMR System RFP released on Thursday, October 25, 2012; Proposers' Conference held on November 1, 2012; with proposals due on January 3, 2013. At this time we anticipate bringing a proposed contract to the Board for consideration in June 2013.

On the LMR front, we are continuing to participate in the NPSTC T-Band Working Group to provide and assemble information to educate congress of the impact of Public Law 112-96 aka H.R. 3630. In addition, we are assembling cost estimates for the replacements of current systems in all 11 jurisdictions.

We have an evaluation team assembled for RFP# LA-RICS 007. So far, the team received two days of training and will receive one additional training day next week. We do have a good representation from the City of Los Angeles, the County, as well as the independent cities.

As far as the LTE System, last month I reported we submitted a response to the Notice of Inquiry issued by FirstNet regarding user requirements for the LTE System. Our response was submitted on November 9, 2012. In that response, we highlighted the need for a hardened public safety broadband communication system. That became particularly evident with the events that surrounded Hurricane Sandy. One of the systems' descriptions first offered (by one of the FirstNet Authority Board Members) was that hardening of the public safety broadband system could be accomplished by redundant systems. That if contracted, for example with Verizon, AT&T, T-Mobile, and others, they would equal the hardening of the system by having a number of different providers. What they found in Hurricane Sandy was that those providers were hooked up on the same monopoles, and when we lost those sites, they lost all providers along with it. That is an issue we will be addressing with FirstNet.

Another issue that we very highly stressed was the need for push-to-talk. The first system roll-out and current plan for FirstNet is to not address the issue of push-to-talk. We feel push-to-talk is essential if we are going to be able to move forward with the hybrid systems and move off the T-Band.



In the Notice of Inquiry response, we also offered LA-RICS as a platform to demonstrate its early successes and lessons learned. The NPSTC Statement of Requirements was submitted to FirstNet with reduced system requirements on the first rollout such as push-to-talk was eliminated. We are reviewing the finalized Statement of Requirements which was released a few days ago.

Regarding our BTOP Grant, the FirstNet Authority has established a subcommittee, whom so far has visited three of the BTOP site recipients. Our site visit is scheduled for next Wednesday, December 19, 2012. We will be working with Bay-RICS and the State of California to present a complimentary approach for the West Coast. Director Karen Wong, of the Public Safety Communications Division with the State of California, will be participating in the FirstNet site visit.

There was a FirstNet Board meeting held last Tuesday (December 11, 2012), the next meeting is scheduled for February 2013. We are hoping to get a clear definition of what we will be allowed to do at the February meeting; although, we heard from a news article released this morning that FirstNet is hoping to release some kind of decision as early as January 2013.

Last month, Mr. Fujioka requested an agenda item to discuss the direction of the FirstNet Authority and in consideration of their site visit next week, with his concurrence, we are putting this item off until the January 3, 2013 meeting.

In reference to the State of California, the State of California is a member of the Bay-RICS JPA. In fact, Karen Wong, the Director, sits as a Member of that Authority Board of Directors. We have been conversing with her regarding the States entry as a member of the LA-RICS JPA. That paperwork is being processed and we are hoping to bring that to this Board's consideration in the next couple of months.

On the Conflict of Interest Code procedure, at the October 4, 2012 Board meeting, your Board approved the periodic review of the Conflict of Interest policy amendment. We have completed the draft of the amendments. It will be posted today (December 13, 2012), for a 45-day comment period. An email blast will be sent to all affected members for response to that. Barring any opposition or requests for changes, we will be returning to this Board on February 7, 2013, after the 45-day comment period for your approval.

Site Lease Agreements, we have begun working with the CEO Real Estate Division to help us develop a template for a communications site use agreement. I will be sending out a draft agreement to Authority Members for review, as the site owners. One of the elements that came up for discussion is the need for indemnification for the Authority. We will be looking into obtaining an Authority Insurance Policy, to be in place prior to site use agreement execution.

An item relating to LTE sites, if we are allowed to move forward, are some draft conditions that FirstNet and NTIA put out that we have some concern with. We will be discussing those on Wednesday with the FirstNet Subcommittee. It specifically has to do with vested interest in the property if federal dollars are used, for example, to construct a monopole on the property. It appears the Feds see that as Federal Property. We are concerned as to what this language means.

Chairman Bill Fujioka commented stating the direction FirstNet is taking is very important. Chair Fujioka requested Executive Director Mallon provide a document laying out these issues and concerns. There are some key decision points that we are going to have to face, there may be a very strong legislative advocacy action that we may need to take. Not just as this Board, but as a



region. One thing that is in the document, speaks to having a commercial carrier being the principle provider of the service, including public safety. I don't think there is anyone in this Board who would agree to have a commercial carrier take control of our public safety communications system. I think it is absolutely outrageous and the fact that this is even in the Bill is just mind boggling. We need to discuss this in the next meeting and will need to reach out to people throughout the U.S. and other public safety agencies to say we got to turn this thing around. This is not a good solution for us. I think we have to control our own systems, very basically.

Board Member Mark Alexander asked a question regarding the indemnification item addressed in the Director's Report. How are the other activities of LA-RICS insured? Do we carry insurance coverage, are we covered?

Executive Director Pat Mallon stated, no, not at this present time. All the employees that are working on this project in our office are either from the City of Los Angeles or from the County of Los Angeles through an agreement with the Authority, so any indemnification for injuries to the employees will be covered through those employers. We do not have an insurance policy at this point. Which is exactly the point I just raised, we do need to get that.

Board Member Mark Alexander agreed and suggested we agendaize for future discussion (Insurance) coverage for the entity, particularly when we get to making decisions about awarding RFPs and subject ourselves to potential concerns.

Chairman Bill Fujioka agreed.

4. Project Management Report – Pat Mallon

Executive Director Pat Mallon stated, the Project Management Report has been included in your packet for your review.

5. Grant Status Report – Pat Mallon

Executive Director Pat Mallon stated the SHSGP Sub-recipient Agreement for '09 has been executed. So we are actually in a position now where we can actually start asking for reimbursements for some of the expenses that we have paid. The remainder of the SHSGP Grants total about \$8.5 million in '10, '11, and '12 funding. For UASI funds, we have about \$73.8 million, which is a reduction in \$7 million from the UASI '09. The UASI Authority is still taking action on that, so I am not exactly sure of the full disposition of that reallocation. I am hoping that we will be in a better position next month to specifically explain that. And, our BTOP Grant is continued in suspension based on action with NTIA.

Board Member LeRoy Jackson stated he had a question on the federal budget situation, asking if they do not arrive in any agreements, is there any impact upon some of these grants moving forward?

Executive Director Pat Mallon stated not that we are aware of. We are aware that there is at least one member in congress who is looking to try to claw back Grant funds. That gives us great concerns because, as we had to protract in our project because of the H.R. 3630 and other issues that we have dealt with, we are continually asking for extensions to save those funds for the project. And, we are at a point now where it will be difficult with some congressional opposition to get any Grant extensions. So we are looking into doing anything we can do to expedite the process, and utilize Grant funds to the greatest extent possible.



VI. DISCUSSION ITEMS (None)

VII. ADMINISTRATIVE MATTERS (6–7)

6. Oral Presentations – Pat Mallon

RECOMMENDATION: It is recommended that your Board provide direction to the Evaluation Committee regarding oral presentations.

Executive Director Pat Mallon stated at the last Board meeting Chief Osby discussed his concerns for a need of Oral Presentations during the evaluation process. In the last round, we presented that as an option to the Evaluation Committee, but they elected not to conduct oral presentations. There are some valuable points that the proposers might raise in those presentations. Therefore, the recommendation to this Board is to consider Chief Osby's request.

(Taken out of sequence) Public Comment – Dan Crowley, President of Raytheon Company, stated that Raytheon is committed to supporting LA-RICS. He recognized the JPA's difficult duties trying to guide the procurement through all the changing regulations, grant funding, the changes with national broadband and State laws. My main comment here is to applaud your consideration of acquisition best practices which we know work. The first is knowledgeable and qualified evaluators, and I heard through Pat's comments that selection and training is underway. The second is Oral Presentations and Demos, the reason we feel strongly that those are needed is because, despite our best efforts to capture our solution in our proposal, there is always a benefit in interaction. As I recall in the first round of competition, I think I was asked directly five times, "do you guarantee your coverage?" and, I needed to reaffirm it that many times to really build the confidence of your team so we really encourage those (Oral Presentations). As well as, the Tech Demos because it shows you the hardware that you will buy and operate for the next two decades. These things are all important. We think that doing these things will give you the best insight(s), it will not favor one party over the other. It will just give you the best information to make the right decision for the first responders and the citizens. And we think it is fair consideration for the industry, because we put in a lot of time and money in support of the acquisition. In closing, you have my commitment and that of the Raytheon Company and our teammates, in support of this third round of the acquisition. We plan to give a very compelling offer. We know it will be fairly considered if you adopt the changes that you propose. Thank you.

Chairman Bill Fujioka thanked Mr. Crowley. He opened up the meeting for further discussion of Item 6 from the Board Members.

Board Member Cathy Chidester asked, now that the RFP is out, can you change it from a "may" to a "must"?

Executive Director Pat Mallon said the Board has some discretion to provide direction to the evaluators and you can address it with a recommendation. I am sure that whatever the Board desires, the evaluators will take into strong consideration.

MOTION APPROVED.



7. Services Contract Solicitation Protest Policy Amendment – Pat Mallon/John Geiger

RECOMMENDATION: It is recommended that your Board:

- a. Accept recommended changes to the previously adopted County of Los Angeles ("County") Services Contract Solicitation Protest Policy, to reflect Proposed Contractor Selection Review to be heard and decided by a retired judicial officer chosen in the Authority's sole discretion (the "Review Officer") based upon the following:
 - i. The Proposer's written request for Proposed Contractor Selection Review;
 - ii. Any briefing in response to the Proposer's written request for Proposed Contractor Selection Review; and,
 - iii. A review meeting before the Review Officer. The Review Officer, in his/her sole discretion, may entertain the presentation of facts, comments, and arguments relevant to the issues under review.
- b. Authorize the Executive Director or his designee to issue Addenda E to RFP # LA-RICS 007, reflecting the above-mentioned change in the protest policy.

Executive Director Pat Mallon stated as the Board knows, we have done our absolute best to keep a fair and equal playing field for all the proposers on the project as we have gone through the process of preparing the RFP. We have gone through great lengths to keep it fair and unbiased. As we consider our process in establishing our evaluation committee, we are looking at ways again to continue insuring that everything is fair and equitable. With that, we have a recommendation for this Board to consider regarding the solicitation protest process that will be presented by John Geiger, General Manager of County Internal Services Department (ISD).

I am John Geiger, General Manager of Standards and Practices for County ISD, you probably remember me most frequently and significantly as the Lead Negotiator in the prior incarnations of this procurement. I would like to take a few moments this morning to talk with you about the nature and merits of the proposed change to the contractor selection review.

But first, I want to emphasize what remains unchanged. The basis and scope of review for the protest process does not change. The categories for review remain the same. It may be reviewed for a failure that has been alleged, such as a failure to follow procedure, any error mathematical or otherwise, any demonstrated bias or any other basis which would show that we are somehow in violation of state or federal law. The underlying substance or merits remain the same. What also remains unchanged and significantly so, is that the administrative review results in an advisory recommendation to your Board. Your Board retains the sole and final discretion to award or not to award the contract. This remains unchanged.

Let me address the two changes that are proposed. The first is to collapse what is now a two-step administrative review into one step. Currently, you have first a single reviewer, and then after that, a three person panel review. And as you may recall from RFP # 1, that first review typically does not resolve the issues on large projects such as this. All of the weight ultimately goes to the second review on large turnkey projects. So we would recommend collapsing it into a single review.



The second proposed change is to have that single review conducted by a retired judge instead of County or County-trained procurement personnel. We would submit to you, who better to do that than a former judicial hearing officer. We would attempt to select someone with public procurement background, government contracts and/or commercial laws background, and who has no conflict of interest.

Now, there are other ancillary provisions which we believe improve the process. Included in the proposed change are specific timeframes. A review meeting must be conducted within 10 days after the briefing is final, and a written recommendation must come from the hearing officer 10 days after the hearing is concluded. Are there any disadvantages? There really are none. The Scope of Review is unchanged, but what you have is a streamlined faster process with a single step rather than two. Now, this Board does reserve, and this also remains unchanged, the right to go to contract if a protracted administrative review is on-going. By collapsing the process, this ensures that you will be able to have that administrative review before a contract is agendized.

Now, one question that I would anticipate is, who pays? The Retired Hearing Officer would be procured through Los Angeles County. Another question which I am sure comes to mind is who selects this Bench Officer? That also remains unchanged. The administrative reviewer previously and will continue to be selected by the Executive Director who will consult Counsel, outside Counsel, and Authority staff. As I mentioned earlier, the goal is to attempt to find a retired Bench Officer with a background in government procurements, commercial law, and has no conflicts of interest and is willing to certify as such. Having said that, we would entertain any questions that this Board may have.

Board Member Mark Alexander stated my only question on this retired officer, given the gravity of the contract and the number of times we have been through this process, would it make sense rather than having one bench officer, to have a panel of bench officers with maybe three? Is there any advantage to doing that? I understand what the disadvantages are with the cost and the selection.

John Geiger replied, certainly it becomes an issue of cost, and timing, and coordination. The very best bench officers from the various retired judge organizations often charge upwards of a thousand dollars per hour and their schedules booked six- to nine-months in advance. So if we were to get your approval, we would immediately start looking for a bench officer. By tripling the requirement of the hearing officers, you triple cost, you triple the problem getting sufficient credentials. You could do it. I am not seeing the actual advantage. If you get the right officer, one is sufficient.

Board Member Cathy Chidester asked, could you repeat the 10-day requirement? Is it 10 business or 10 working? It is after you get all the reports and you have the bench officer selected. Right?

John Geiger replied, I would have to go back and look at that particular detail, but let me tell you what the two 10-day trigger points are that did not exist before. After the briefing is complete, the protest comes in, the Authority has a response, the public record documents are produced, they are delivered to the bench officer and the parties, the review meeting has to occur in 10 days. And, it is business days. When the matter is ready to go, we are not rushing, but when it is ready to go, there is a tight trigger. Significantly, given the bench officer and given the need to bring a conclusion into the administrative process, when that hearing is over, the hearing officer has 10 days to give their recommendation of findings so that we may agendize it and bring it back before your Board.

Chairman Fujioka asked any other questions? Hearing no questions, do we have a motion to approve this recommendation? Board Members Miller and Jackson motioned for approval.



Board Member Mark Alexander stated I want to come back to the question that I raised, again I appreciate the recommendation, my only concern is putting this decision potentially in one person's hands. I like the concept of a panel. And, I understand again, the disadvantages in the cost, and the time, and the selection process involved. But at least you have more than one person looking at this and you have a panel, by majority vote of the panel making the decision as opposed to one individual. So that is my only concern about the motion.

John Geiger replied, if I may address this and I know that Mr. Mallon wants to address that, although the recommendation would be coming from a retired officer of high level integrity, high level of expertise, you are correct it would be one. But that recommendation is not the end-all. We would also vet that recommendation through counsel and outside counsel before agendizing it and give our concurrence or not with it. And I am certain it would come with very robust conversation before this Board in determining whether to adopt it in whole, or in part, or not.

Board Member Mark Alexander asked, so that determination would not be binding on the Board?

John Geiger replied it would not be binding on the Board.

Board Member Greg Simay asked, the administrative judge him or herself would also have the freedom to say look this has turned out to be a bigger can of worms. You really need to do this additionally in order to resolve it. They would have that freedom to alert the Board if there is a problem that might be beyond the discretion of a single person.

John Geiger replied if I understand your question correctly, "Will that recommendation include remedial suggestions in the event that the review officer were to find that there is a problem with that procurement?" Absolutely, that is part of the reason of having the early administrative hearing so that the Authority may correct any problems with the procurement that would otherwise cause it to be set aside, if it were to go to contract.

Board Member Greg Simay asked going to Mr. Alexander's concerns, if we had a situation that required more than one pair of eyes, I think the mechanism exists and for things that could be more simply decided we could get by with the one person.

John Geiger replied "For an example, I can envision a situation where there are remedial suggestions brought forward by the hearing officer, you would likely want to go into "closed session" with your counsel and discuss this further and determine what, if anything you would like to do in response."

Chairman Fujioka stated going back, I have a first, I have a second. Any more discussion, if not, all in favor say "I", anyone opposed? Hearing none, the motion carries.

MOTION APPROVED.

VIII. MISCELLANEOUS – (None)

IX. PUBLIC COMMENTS (out of sequence)

See above notes in item 6.



X. ITEMS FOR FUTURE DISCUSSION AND/OR ACTION BY THE BOARD

8. FirstNet Path Forward
9. Project Funding
10. Project Risk Controls

XI. ADJOURNMENT

In closing, Executive Director Pat Mallon introduced to the Board of Directors, Deputy Director Sue Plantz from the State of California, Chief Information Office. The Chairman and Board Members welcomed and acknowledged her presence.

Chair Bill Fujioka mentioned the items for future discussion are on the agenda with particular emphasis on what is happening with FirstNet because we need to alert, not only the members of this Board, but I would ask especially for the public safety members that once we lay this out you turn to your peers not only here but also (within the) State of California and then we are going nation-wide. Because this commercial option, I am very concerned about that. He announced the next scheduled meeting is on January 3, 2013, same place, same time. Until then everyone have a happy and safe holiday season, please be safe. This meeting is adjourned.

This meeting adjourned at 9:32 a.m.