



# Board of Directors MEETING MINUTES

## LOS ANGELES REGIONAL INTEROPERABLE COMMUNICATIONS SYSTEM AUTHORITY

August 4, 2011

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

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### Board Members Present:

**William “Bill” T Fujioka Chair**, CEO, County of Los Angeles  
**Miguel Santana**, CAO, City of Los Angeles  
**Gerry F. Miller**, Chief Legislative Analyst, City of Los Angeles  
**Leroy “Lee” D. Baca, Sheriff**, County of Los Angeles  
**Reginald “Reggie” Harrison**, Deputy City Manager, City of Long Beach  
**Harold Scoggins**, Fire Chief, City of Glendale, representing the Los Angeles Area Fire Chiefs Association  
**Scott Pickwith**, Police Chief, City of La Verne, representing the Los Angeles County Police Chiefs Association  
**LeRoy J. Jackson**, City Manager, City of Torrance, representing At Large Seat  
**Kim Raney**, Police Chief, City of Covina, At Large Seat

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### Representatives For Board Members Present:

**Andrew Fox**, representing Millage Peaks, Fire Chief, City of Los Angeles Fire Department  
**Scott Poster**, representing Daryl L. Osby, Fire Chief, County of Los Angeles  
**Nancy L. Ramirez**, representing Steven K. “Steve” Zipperman, Police Chief, Los Angeles School Police Department  
**Sam Olivito**, representing Mark R. Alexander, City Manager, City of La Cañada Flintridge, representing Contract Cities Association  
**Ray Krakowski**, representing Gregory “Greg” L. Simay, Assistant General Manager, City of Burbank Water & Power, At Large Seat

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### Officers Present:

**Pat Mallon**, LA-RICS Executive Director  
**Rachelle Anema**, representing Wendy L. Watanabe, Los Angeles County Auditor-Controller  
**Patricia Saucedo**, Board Secretary

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### Absent:

**Charles “Charlie” L. Beck**, Vice Chair, Police Chief, City of Los Angeles  
**Dr. Mitchell H. Katz**, Director, DHS, County of Los Angeles  
**Donald “Don” Pedersen**, Police Chief, City of Culver City, At Large Seat  
**Mark J. Saladino**, Los Angeles County Treasurer and Tax Collector



I. CALL TO ORDER

II. ANNOUNCE QUORUM – Roll Call

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

III. APPROVAL OF MINUTES

Motion was made for approval of the Minutes from the July 7, 2011, Board of Directors Regular Meeting.

**MOTION APPROVED**

IV. CONSENT CALENDAR – None to report.

V. REPORTS (1–3)

1. Committee Reports

- a. Legislative Committee – No report.
- b. Finance Committee – The action item raised by Board Member Greg Simay will be carried onto the next meeting.
- c. Operations Committee – No report.
- d. Technical Committee – No report.

2. Director's Report

Pat Mallon, LA-RICS Executive Director, addressed a written report distributed to all Board Members. He reported that immediately following the July 28, 2011, meeting staff assembled and began the process of preparing a new Request for Proposal (RFP). The goal is to present a revised RFP at the September 1, 2011 meeting. In preparing a preferred transmitter site list, staff is in the process of reaching out to all of the member agencies and cities requesting their input into what municipally-owned sites that might be considered. The request for site information has a deadline of August 12, 2011.

Board Member Leroy J. Jackson asked if they would be developing two lists, one for the radio and one for the broadband. Executive Director Mallon replied yes, and that they are running parallel tracks.

Chair Bill Fujioka clarified the request is to identify existing sites within their region, as well as potential future sites.

Alternate Board Member Scott Poster expressed concern regarding reducing the sites, mentioning that public safety coverage is the key. So as sites are reduced, it would be incumbent for LA-RICS to bring back to the Board a site list providing adequate coverage. Executive Director Mallon absolutely agrees with Chief Poster. The process of identifying sites would not be an exclusive list, recognizing the need to provide a superior level of coverage because lives depend on it. As part of the evaluation process for preferred sites, they will be doing computer modeling on both the Land Mobile Radio (LMR) and the broadband locations. This will ensure an acceptable threshold. In addition to that, above the preferred sites, they are expecting for the vendor to provide additional information using their own modeling within their system design to insure requisite coverage.

Executive Director Mallon expressed interest in having representatives of Board Members participate in the RFP development. He requested the names of those individuals immediately, as that process is underway.

Board Member Harold Scoggins asked if the previous team would reconvene. Executive Director Mallon stated the RFP development team would consist of original members involved in the RFP



development. He informed the Board that Counsel had some concerns over reconvening the original evaluation team. Staff will be requesting direction from the Board on the forthcoming compositions of the Technical Evaluation team.

Board Member Andrew Fox asked if there was any legal opinion on the legality as to reappointing evaluators and members of the negotiating team, etc. Executive Director Mallon mentioned staff would be meeting with Counsel today, and that is one of the questions on the table.

Board Member Fox stated he would like that information prior to providing direction to staff as to composition of the evaluation and negotiation teams.

Chair Fujioka reiterated that the Board should get the legal opinion of County Counsel, which is critical. Once the Board has all of the factors, they will make a decision.

Executive Director Mallon explains that the same team that prepared the RFP is working on the development of the new RFP, thus are not excluding anyone, and he is opening the doors for any Joint Powers Agreement (JPA) Member or their staff to get involved.

LA-RICS is also moving forward with the environmental assessment process, including the California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) requirements for the project. They have prepared a draft RFP for Environmental Services which has been reviewed by the Los Angeles County Department of Public Works (DPW), and now being reviewed by the Los Angeles County Counsel. We anticipate bringing that forward to the Board on September 1, 2011.

LA-RICS is also in the process of preparing a RFP for Project Management Services. The draft RFP will be going to County Counsel. The goal is to get it for the Board for the October meeting.

The last item is the outreach to Washington D.C., planned for August 15, 2011. Chair Fujioka, Sheriff Baca, and Executive Director Mallon will be traveling to Washington to discuss issues with the Federal Communications Commission and the Department of Commerce.

Chair Fujioka requested the Finance Committee start talking about how we are going to approach the funding plan, in addition to participation of other members of the Board.

3. Grant Status – None to report.

VI. DISCUSSION ITEMS – None

VII. ADMINISTRATIVE MATTERS (4–5)

4. New Procurement Options

a. ACTION ITEM: Review and Approval of Options for a new Procurement Process

Executive Director Mallon addressed the written report outlining the new procurement process. The original approach was a turnkey procurement, which was determined to not be a viable alternative. The new procurement process is a three-phase project. The first would be to issue and contract with a telecommunications contractor that would design the system and ultimately provide the hardware and software and, ultimately, the installation of the system. The telecommunication contractor would also give us site specifics needed at each transmitter site. Then we would turn that information to an architect engineer and, in compliance with California Contracting Code and Mini Brooks Act, they would provide site studies and designs for the construction of the new buildings and towers and any access roads. Once the engineering and architecture work is done, it



would be submitted for bid by eligible, qualified contractors. When construction work is completed, the site will be turned over to the telecommunication contractor to install the equipment.

There are some alternatives as far as the RFP structure. The RFP can be structured in one of two ways: 1) A single contract approach in which you have one system integrator and shared resources for sites and backhaul. The con to that is that it could impact schedule and scale for the LMR and the broadband systems individually. There also might be different qualified vendors for each of the two systems; 2) A two-contractor approach, which provides the ability to keep track of the vendors from each aspects of the project. The con to that is the different integrators for the systems may create site and scheduling conflicts. LA-RICS staff is asking for the direction as to how the Board would like to proceed as to these options.

Alternate Board Member Poster requested clarification on the recommended action. Executive Director Mallon explained that the request is for the Board to provide direction as to: 1) issue two RFP's for individual contractors; or 2) issue one RFP, solicit one contract, with split bids for LMR and Long Term Evolution (LTE) components. The split bids would still allow for issuance of notices to proceed individually. Executive Director Mallon explained the recommendation of staff is to issue a single RFP for a single contract asking for separate bids for the LMR and LTE components and combined. This will allow for issuance of a notice to proceed on one component, if the other experiences a delay. Chair Fujioka asked if everyone understood those three options.

John Geiger, ISD, elaborated the recommendation is to prepare two separate requirement documents for the two separate systems in a single RFP that includes both. If, on September 1, 2011, the Board's instruction is to issue two different RFP's, that can be done at that time.

Chair Fujioka addressed the floor for public comment, allowing speakers three minutes each.

Public Speaker Card# 1, Debbie Kessler, Counsel for Raytheon, stated that the company is committed to public safety and will not do anything that derails the procurement. It is their position the law does not mandate the project to parcel out the construction and design/build activities. Ms. Kessler stated that going forward with the new competition, at this point, will be difficult to do on a level playing field. To the point of the evaluation team, people have been exposed to a lot of the Raytheon's approach and information, and thus requests fairness moving forward.

Public Speaker Card# 2, Lisa Specht, Counsel for Raytheon, asked the Board reconsider the action taken last week to throw out the procurement. They believe that the Board has options that do not require drastic action and further delay. They do believe that the RFP is valid. The construction activities are just an ancillary part of this integrated communication system. California courts have ruled that an ancillary construction element in a turnkey project does not trigger the sealed lowest cost responsible bidder requirement, if it does violence to common sense, which it does here. What that means is that it would make it extremely difficult for the Authority to obtain the desired results, namely here; warranty of an entire complex public communications safety system becomes extremely difficult. Raytheon strongly disagrees with County Counsel and outside Counsel that the procurement is invalid and urges the Board seek an independent legal Counsels' opinion. Ms. Specht listed multiple turnkey RFP's, some strikingly similar to LA-RICS' RFP that had ancillary construction components and those components were not severed from the main contract and not required to abide by low bid rules.

Chair Fujioka reminded the Board once again that during public comment there is no exchange of information, but is requesting both County Counsel and outside Counsel provide a response through the attorney/client privilege to the members of this Board in regards to items addressed by the two speakers. Chair Fujioka called Executive Director Mallon to the table to reconvene item 4.



Executive Director Mallon stated the recommendation is to bring one RFP, with separate components to the Board, and at that point, get further direction from the Board as to whether we are to issue two separate RFP's or one asking for separate bids contained within. Chair Fujioka requested staff can provide a clear delineation of the pros and cons of going forward with either one or two separate solicitations.

Board Member Fox stated it would be helpful for the Board to have that legal analysis in writing to assist in the decision that will occur at the next meeting.

Board Member Jackson presented a motion to proceed as discussed here today for the preparation of one RFP containing separate sub-components, to be presented at the September 2011 meeting for action. **MOTION APPROVED**

5. Committee quorum Requirement and Subcommittee Alternates

- a. ACTION ITEM: Recommend the Authority approve an amendment to the JPA Bylaws to provide for alternate advisory committee members.

Chair Fujioka asked if there were any questions, seeing none, asked for a motion to approve.

**MOTION APPROVED**

VIII. MISCELLANEOUS

6. Agenda Guidelines and Procedures

- a. ACTION ITEM: Recommend the Authority amend LA-RICS JPA Public Meeting Protocols

Executive Director Mallon stated the item was to change the Bylaws to submit Agenda items eight business days before the scheduled meeting and provide a process by which Board Members can raise Agenda items at a Board meeting to be discussed at subsequent Board meetings.

Chair Fujioka asked if there were any questions, then asked for a motion to approve.

**MOTION APPROVED**

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

1. Site List

2. a. Project Funding and Guidance Feedback:

- To what extent a subscriber unit would control part of the financing packet?  
To what extent will that be viewed as the responsibility of the agency?

3. The lifespan of Equipment and Associated Costs:

- Depreciation and Replacement of Equipment;
- Annual license costs related to any proposals (e.g., software or other elements);
- Annual Anticipated Maintenance Costs; and
- Annual Management Operational Costs.



X. PUBLIC COMMENT – None

XI. ADJOURNMENT AND NEXT MEETING:

Chair Bill Fujioka adjourned the meeting. The next meeting is scheduled for Thursday, September 1, 2011 at 9:00 a.m., at the Grace E. Simons Lodge.