



## EXECUTIVE DECISION DOCUMENT

<b>GENERAL MANAGER APPROVAL:</b>		<b>GENERAL MANAGER ACTION REQ'D:</b>		
DocuSigned by: <i>Michael Jones</i> 47000790F2D7463...		Approve and Send to Board		
<b>DATE:</b> 6/21/2024      7/3/2024		<b>BOARD INITIATED ITEM:</b> No		
<b>Originator/Prepared by:</b> Ellen Yu <b>Dept:</b> Communications & Control	<b>General Counsel</b>	<b>Controller/Treasurer</b>	<b>District Secretary</b>	<b>BARC</b>
DocuSigned by: <i>Michael Gerbracht</i> 09289FE4E24436...	DocuSigned by: <i>Amelia Sandoval</i> 2528C067C44147D...	DocuSigned by: <i>Shirley Gan</i> EE11C8CEEEA04FD...		DocuSigned by: <i>Shane Edwards</i> 8128A2EB2F014F3...
<b>Signature/Date:</b> 7/3/2024	7/3/2024 [ ]	7/3/2024 [ ]	[ ]	7/3/2024 [ ]

### PROCUREMENT OF SINGLE SOURCE, TECHNICAL SERVICES AND MATERIALS FOR P25 TRUNKED RADIO SYSTEM

#### PURPOSE:

To request Board authorization for the General Manager to execute two non-competitive, non-federally funded agreements with Dailey-Wells Communications, Inc. (DWC) in the amount not to exceed \$890,932. A two-thirds vote is required for the purchase of compatible materials from DWC pursuant to Public Contract Code Section 20227.

#### DISCUSSION:

The District recently implemented the new P25 Trunked Radio system to replace the end of life, legacy Enhanced Digital Access Communication System (EDACS) radio system. These two agreements provide enhancements to the District's recently upgraded P25 Trunked Radio System. The enhancements meet the Advanced Encryption Standard (AES) mandated by the California Department of Justice (DOJ) and BART Police Department's (BPD) life safety requirements. The system was designed and specially configured for the District by DWC. As the only regional distributor of this type of radio equipment, DWC possesses the expertise, unique and detailed knowledge, and resources to provide the District with the proprietary software integration and necessary configurations for the required AES and interoperability enhancements for the system. Another vendor would not have the proprietary and security sensitive knowledge of the District's radio system software designs and hardware configurations.

Pursuant to Public Contract Code Section 20227, the Board may direct the purchase of any supply, equipment or material without observance of competitive bidding upon a finding by two-thirds of all members of the Board that there is only a single source of procurement and that the purchase is for the sole purpose of duplicating or replacing equipment currently in use.

District staff seeks Board authority to enter into direct negotiations with DWC to execute the following two agreements at a combined cost not to exceed \$890,932, including applicable taxes.

1. Single Source Procurement for Technical Services Agreement, for P25 Trunked Radio Systems in an amount not to exceed \$180,807
2. Single Source Procurement for P25 Trunked Radio Systems AES Encryption and Pathway Plus Interoperability Materials and Software, including all appurtenances in an amount not to exceed \$710,125.

Pursuant to the District's Non-Federal Small Business Program, the District conducted an analysis and determined that there are no Small Businesses certified by the California Department of General Services available for the Technical Services Agreement or the Procurement of Materials Agreement. Therefore, no Small Business Prime Preference was set for the Technical Services Agreement or the Procurement of Materials Agreement.

Pursuant to the District's Non-Discrimination Program for Subcontracting, the Availability Percentages for the Technical Services Agreement are 5.5% for MBEs and 2.8% for WBEs and for the Procurement of Materials Agreement are 2.2% for MBEs and 1.1% for WBEs. Dailey-Wells Communications will not be subcontracting any portion of the Work, and therefore, the provisions of the District's Non-Discrimination Program for Subcontracting do not apply.

The Office of General Counsel will approve the agreements as to form prior to execution.

The Procurement Department will review the agreements to confirm compliance with the

District's procurement standards.

### **FISCAL IMPACT:**

Funding in the amount of \$890,932 to award two non-competitive, single source agreements to Dailey-Wells Communications, Inc., for technical services not to exceed \$180,807, and for procurement of materials not to exceed \$710,125, are included in the total project budget for FMS# 20AJ003 – Replace Trunked Radio Systemwide Phase 1.

The table below lists funding assigned to the referenced project and is included to track funding history against spending authority. Funds needed to meet this request will be expended from the following sources:

<b>Fund Group</b>	<b>Fund Description</b>	<b>Amount</b>
State	F/G 5910 - CA Emergency Management Agency	300,000
BART	F/G 8526/8529/8532/8533/8535/8536/8538 - BART Capital Allocations	14,166,064
	<b>TOTAL</b>	<b>14,466,064</b>

As of June 5, 2024, \$14,466,064 is the total budget for this project. The District has expended \$12,714,713, committed \$575,218, and reserved \$0 to date. This action will commit \$890,932, leaving an available fund balance of \$285,201 in these fund sources for this project.

The Office of Controller/Treasurer certifies that funds are currently available to meet this obligation. This action is not anticipated to have any Fiscal Impact on unprogrammed District reserves.

### **ALTERNATIVES:**

The District could choose to refrain from implementing the work required, leaving the District non-compliant with the California Department of Justice, BART Police Department and other life safety agencies.

**RECOMMENDATION:**

It is recommended that the Board adopt the following motion:

**MOTION:**

Pursuant to Public Contract Code Section 20227, the Board finds by a two-thirds vote that Dailey-Wells is the single source of supply for the procurement of compatible materials, equipment, software and technical services for the L3Harris P25 Trunked Radio System. The General Manager is authorized to negotiate and execute Non-Competitive, Non-Federal Agreements with Dailey-Wells in an amount not to exceed \$890,932.