

ITEM # 29

ADDITIONAL MATERIAL

**10:00 a.m. Regular Meeting
February 7, 2017**

**SUBMITTED AT THE REQUEST OF
PURCHASING DIVISION**



Finance and Administrative Services Department

PURCHASING DIVISION

115 S. Andrews Avenue, Room 212 • Fort Lauderdale, Florida 33301 • 954-357-6066 • FAX 954-357-8535

MEMORANDUM

DATE: February 3, 2017

TO: Board of County Commissioners

THRU: Bertha Henry
County Administrator

FROM: Brenda J. Billingsley, Director
Purchasing Division **BRENDA
BILLINGSLEY**

SUBJECT: February 7, 2017 - Commission Meeting - Agenda Item No. 29
Motion to Approve Final Ranking - Request for Proposals (RFP) No. R1422515P1,
Public Safety Radio APCO Project 25 700MHz Communication System.

Digitally signed by BRENDA BILLINGSLEY
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ou=Organization, ou=BCC, ou=PU, ou=Users,
cn=BRENDA BILLINGSLEY
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At the January 24, 2017 meeting, several Board members presented questions to staff to be addressed when the item is scheduled to be presented for consideration. Attached please find staff's response to the questions presented by the Board members.

Attachment

BJB/hmm

c: George Tablack, CPA, Chief Financial Officer
Brett Bayag, Director, Office of Regional Communications and Technology
Evan Lukic, County Auditor
Joni Armstrong Coffey, County Attorney

Executive Summary

RFP No. R1422515P1 - Public Safety Radio APCO Project 25 700 MHz Communication System

The current Public Safety Radio System has components that are now 25 years old. Responding to the necessity of replacing the aging system before end of support January 1, 2018 and to avoid system failure, Broward County (County) began a two-step procurement process. Although the County has some inventory of parts on hand to support the system, once the system reaches end of life, it will be difficult to acquire additional parts to maintain proper functioning of the current system.

Responding to the necessity of replacing the aging system before system failure, the Board of County Commissioners approved a deliberately phased Agreement with Mission Critical Partners as the County's technical consultant on May 12, 2015 (Agenda Item 22) to conduct detailed analysis and evaluation of solutions to replace the County's existing six gigahertz (GHz) microwave system, fire station alerting system, UHF alphanumeric paging system, and 800MHz trunked radio system. Services will be provided by a qualified vendor-neutral technical consultant. This assessment includes several meetings and feedback from end users of the system to include Police and Fire Chiefs Associations and dispatchers.

Upon conclusion of the technical assessment, the County began a two-step procurement process on February 9, 2016 (Agenda Item 42) with approval of the pre-qualifying Step One Request for Qualifications (RFQ) R1422515R1. The draft P25 System specifications were included with the Step One RFQ solicitation so industry vendors would have ample opportunity to view the specifications before the Step Two solicitation was advertised. County staff and the County's consultant incorporated items in the RFQ and the draft P25 System specifications requested by the Police and Fire Chiefs Associations, as well as expediting the entire process schedule to the extent possible. Appointed by the County Administrator, an eight-member Evaluation Committee (including a non-voting Chair) comprised of County Staff as well as members of the Police and Fire Chiefs Associations was convened. On April 26, 2016, the Evaluation Committee approved both Harris Corporation and Motorola Solutions, Inc., as pre-qualified vendors to participate in the Step Two process.

Step Two Request for Proposals (RFP) R1422515P1 involved Pre-Submittal Meetings and Site Tours as well as Demonstration Meetings. The Demonstration Meetings took place both in state and out of state. They consumed six full business days for nine County staff and other technical experts, to review, observe and determine the functional capabilities of both proposed P25 Systems in order to fully inform Evaluation Committee Members regarding the ability of each proposed system to meet the County's requirements. The Demonstration Meetings were conducted by a Technical Review Team comprised of police, fire rescue, radio management, and dispatch users of the current public safety radio system that were recommended by the Police and Fire Chiefs Associations and BSO communications.

After lengthy presentations and question and answer periods during the six-hour Final Evaluation Committee Meeting on November 30, 2016, the Evaluation Committee scored the vendors. Motorola Solutions, Inc., was first-ranked with 609.27 total points; Harris Corporation was second-ranked with 594 total points.

On December 8, 2016, Harris Corporation filed a protest letter with the Director of Purchasing. On January 5, 2017, the Director of Purchasing responded with a denial of the protest. Harris Corporation did not appeal the protest denial within the ten calendar days provided for appeals in accordance with the Broward County Procurement Code. On January 24, 2017, the Ranking Order was scheduled for Board approval however, the Agenda Item was deferred until February 7, 2017.

County staff and the technical consultant have reviewed the questions that were raised at the January 24, 2017 meeting along with additional written questions provided by Commissioners. Enclosed are responses to each question (**Attachment 1**).

RFP R1422515P1 - Public Safety Radio System APCO
Project 25 700MHz Communication System

Responses to Commissioner Questions

1. January 24, 2017 Meeting Minutes - Page 48 - Commissioner Geller:

Question No. 1: ".....I was told late last night, didn't know who the lobbyists even were on any of this, the only person that I spoke with was someone representing the firefighters who pointed out that on this, on the 4 to 3 vote, the police, the fire, and the medical examiner all voted one way, while the four county staff people voted the other way. That also gave me concern."

Response No. 1: The scoring points for Price are determined objectively by a mathematical formula and calculated by the Purchasing Division. The total points for price for each committee member is: Harris Corporation ("Harris") - 25 points and Motorola Solutions Inc. ("Motorola") - 20.61 points. The Evaluation Committee Members have no input regarding the points a vendor receives for Price. The Evaluation Committee Members' sub-total scores, without price points added, reflect the subjective scores of the Evaluation Committee members.

The sub-total scores without price points added indicate that all Evaluation Committee members with the exception of one County Staff member, scored Motorola Solutions, Inc. higher than Harris Corporation (**See Attachment 2 - Section A**).

When the scoring points for Price were added, the final total scores for the representatives from the Fire Chiefs Association, the Police Chiefs Association (First Responders) and the Medical Examiner showed Harris Corporation received slightly higher points than Motorola Solutions (**See Attachment 2 - Section C**).

2. January 24, 2017 Meeting Minutes- Page 48 - Commissioner Geller:

Question No. 2: "When I look at the score sheet, again, there was one score sheet that, when you're looking at 1A and 1B.....Basically it's the personnel,....how qualified is your personnel, and qualifications, relative experience of the project manager and key staff....., most of these were 5/5, 5/5, 4/5. There was one that was a 1/5 and a 2/5. Again, I'm concerned when there is one very substantial outlying vote."

Response No. 2: In reviewing the scores of the Evaluation Committee Members for the Evaluation Criteria entitled "Ability of Professional Personnel", Total Maximum points are a possible 10 points. Three Evaluation Committee members scored Harris the maximum of 10 points 1A (5 points) and 1B (5 points); one Evaluation Committee member scored Harris with 9 points 1A (4 points) and 1B (5 points); two Evaluation Committee member scored Harris with 7 points 1A (4 points) and 1B (3 points); (Second EC member) 1A (3 points) and 1B (4 points); and one Evaluation Committee member scored Harris with 3 points with 1A (1 point) and 1B (2 points) of the possible 10 points.

By eliminating the scoring of the one Evaluation Committee member that is an "outlier", the ranking would not change since Motorola received a total of 528.66 points and Harris received a total of 524 points (**See Attachment 2 - Section B**).

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3. January 24, 2017 Meeting Minutes- Page 48 - Commissioner Geller:

Question No. 3: "Another thing that I picked up from the bid protest and I'd ask if somebody can clarify this to feel free to, there's a 40-point criteria, project approach, 2A, 2B, 2C, 2D, and on that, a technical evaluation committee is the one that met, and the project approach did not actually go in front of the evaluation committee. It went in front of the technical committee. The technical committee issued a report to the evaluation committee, and since the people on the evaluation committee didn't actually see the evaluation, they were relying on the report, there really shouldn't be a huge variation among the evaluation committee members if they are relying on the technical committee. But if you look at the scoring, there is a huge variation between the members of the evaluation committee based on - - only on the report that they were given."

Response No. 3: The points for "Project Approach" are not based solely on the demonstrations attended by the Technical Review Team. The impact of the demonstrations on the 40 evaluation points is based largely on the quality and comprehensiveness of each vendors' written RFP Proposal in which they responded to the requirements specified in the Project Approach Evaluation Section. Also the vendors' answers to Evaluation Committee members' questions during the Final Evaluation Committee Meeting may also be a factor in the overall points for "Project Approach".

Regarding the part in which Demonstrations play in the entire Project Approach Evaluation Criteria, when software or software systems are part of the project's design and implementation, as in this P25 Public Safety Radio System RFP, Demonstration Meetings are required to provide proof that the system which the vendor has proposed is what they can actually deliver. This is done by successfully demonstrating the System in current operation. The Demonstration Meetings, attended by the Technical Review Team, of which 4 of the 6 members are Police and Fire Rescue professionals, are only conducted to demonstrate that the vendors' proposals are valid and substantive.

On November 21, 2016 a special Evaluation Committee Meeting was held for the sole purpose of reviewing the Demonstration Meeting Report and Results Matrix. Members of the Technical Review Team attended the meeting to answer any questions by the Evaluation Committee members. At this point, Evaluation Committee members had assurance that what they read in the considerably-detailed proposals from Harris Corporation and Motorola Solutions was true and valid.

On that basis, along with the Evaluation Committee members' independent review of the proposals, the presentations and the answers to the questions from the Evaluation Committee the Committee assigned scoring points for the "Project Approach" Evaluation Criteria from Harris Corporation and Motorola Solutions Inc.

4. January 24, 2017 Meeting Minutes- Page 48 - Commissioner Geller:

Question No. 4: "And the last question, and I haven't been able to get my head around this yet, and I don't know the answer to this, and I'll ask future speakers to address this, there was a question consistent between Harris which was the second place and Motorola which had the CAD and they question how the interface would work because Motorola was the - - has the current contract for the CAD and they said that - - the county said that they would accept in lieu of that, since they couldn't get it, that they would accept affidavits from people from Harris Corporation that they were compatible. I have not been able to figure out if, when the county said, "We will accept that as an alternative, " if that resulted in a reduction in the score for Harris which based upon what I read, the county saying, "We'll accept this as an alternative" there should not have been a reduction. I always intend to continue to look carefully. So these are my problems, and I think they're real issues."

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Response No. 4: The Demonstration affidavit or letter from the vendor stating that, although they could not perform the demonstration of the required system function at the current location, they had an alternate location where that system function was installed and could be demonstrated, was provided by both vendors during the demonstrations. Therefore, no vendor was disadvantaged.

For Broward County's new P25 Radio System, there were 160 different radio system functions which were required to be demonstrated. It was understood that the 160 demonstration requirements reflected the new Broward County P25 Radio System with different requirements than any other existing installed P25 system. Therefore, not all of the 160 demonstration requirements would be demonstrable by either vendor in one location where a P25 system is already installed.

Both vendors provided affidavits or letters with the Demonstration Checklists. As a result, both vendors were considered by the Technical Review Team to have successfully fulfilled all 160 functional requirements. Additionally, there was nothing in the Evaluation Criteria that indicated that the County would reduce points if a vendor could not demonstrate all functional requirements at the demonstration meeting.

5. January 24, 2017 Meeting Minutes- Page 49 - Commissioner Udine:

Question No. 5: "The current CAD system is owned by the county, is my understanding. We own that system, and there is an API code that would need to be accessed for anybody to get into that system. Who owns that? Whose proprietary information is that? Is it ours? I don't know the answer to that, but that seems to me to be the linchpin of this whole thing and when I read in the backup that its available just at a different timing, then I just need to know who owns the code."

Response No. 5: The County owns the Computer Aided Dispatch (CAD) hardware equipment and is licensed by Motorola to use the associated CAD software. The County is not authorized to distribute that software to other entities. The Application Programming Interface (API) referenced by Harris is not standard stock software that the County has in its possession. These interfaces allow disparate systems to communicate with each other and require extensive coordination and costs between both vendors to develop such an interface on a case by case basis.

A demonstration of the interface from the proposing vendor's radio system to a Motorola PremierOne CAD system was requested to validate that the vendors would be able to perform this integration with the County's CAD system. Harris had the option to perform this demonstration with ANY PremierOne CAD system, but not having such an existing interface that they were willing or able to demonstrate, Harris requested for the County to make their system available. In the context of this procurement, Harris would have known that this request was entirely unreasonable due to time constraints, costs that would need to be incurred by the County, and the fact that Motorola and Harris would need to work together to develop such an interface during an active procurement in which they were competing against each other. To ensure Harris would not be penalized for not demonstrating a functioning PremierOne CAD interface, the County allowed Harris to provide a letter stating their commitment and ability to complete the interface.

During the final Evaluation Committee meeting, Harris clearly provided an acceptable solution to complete the PremierOne CAD interface using FATPOT, a vendor that specializes in writing software to develop interfaces between two disparate systems, as their subcontractor. At the same meeting, Motorola agreed to fully cooperate with Harris on the development of the PremierOne CAD interface with a Harris, if Harris were to be the first ranked vendor. All of the aforementioned fully satisfied any concerns with regards to a Harris APCO P25 radio system interfacing to the County's PremierOne CAD system.

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6. January 24, 2017 Meeting Minutes- Page 49 - Commissioner Udine:

Question No. 6: "So was the idea of open source looked at by these committees as far as Motorola is a closed source, Harris is an open source and was that factored into the evaluation at some point?"

Response No. 6: Yes. The RFP specifications mandated that the vendors provide radio systems that are compliant with the Project 25 suite of standards. These standards are determined by the Association of Public-Safety Communications Officials (APCO). Both vendors proposed APCO P25 compliant systems that are open to radios manufactured by other vendors. Both vendors offer "added-value" features that are not part of the Project 25 standard, and only work amongst radios manufactured by the specific vendor.

7. January 24, 2017 Meeting Minutes- Page 49 - Commissioner Udine:

Question No. 7: "The next thing that just popped out at me that I need some better understanding, there was something in there regarding the compatibility and availability and use of the system when there was a power failure, and that was very concerning to me how that was evaluated by the technical committee because we know that that's a likely event many times in the future, and I think that it's important that the committee, when they make their recommendation, I'd like to know if they were provided the appropriate information on what happens if there is a power failure to the entire system, because that was specifically brought up in there."

Response No. 7: The specifications required all system components to be backed up by both a DC power bank and generator. The DC power bank functions similarly to an Uninterruptable Power Supply (UPS), providing continuous power to the equipment in the event of an interruption of commercial service, and keeping equipment operational until emergency generators turn on. The generators provide long-term power until commercial service is restored. Both Motorola and Harris provided proposals compliant with this requirement. The evaluation committee was made aware of what happens when power failures occur.

During the final Evaluation Committee meeting, an Evaluation Committee member requested an explanation on a radio system outage that was experienced in early November of 2016 on the current legacy radio system. The County's Radio System Manager (RSM) explained that the system had failed due to power not being available at the County maintained BSO Public Safety Building (PSB) site. The RSM further explained that the failure was County generated and not a radio system manufacturer defect that had caused the failure. Since the issue pertained to the existing legacy system, the matter has no relevance for this procurement.

8. January 24, 2017 Meeting Minutes- Page 50 - Commissioner Udine:

Question No. 8: "And then the last question that I had on the whole proposal was, I'm not – and I don't understand because this is not my expertise. I just want to make sure that the evaluation and technical committee looked at this and that there is appropriate responses, but there was the idea of the underlying technology that this program is written over was used on the 20-year-old technology. Is this technology that we're spending and buying the latest and greatest technology available, because those - - and that's my last major overriding concern. Those four major concerns, the idea of the open source, who owns the code, the technology, and the power."

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Response No. 8: Both vendors proposed state-of-the-art APCO P25 compliant radio systems that will ensure reliable performance for years to come. The issue raised by Harris pertains to the radio dispatch console graphical user interface (GUI) utilized by Motorola. Motorola took the approach of developing their latest generation dispatch console utilizing a GUI that has the same look and feel of their previous console system, similar to how a new release of Windows may have the familiar "start" button and icons. However, the underlying feature sets, software, and hardware are new, and are significantly more powerful and capable than the current radio dispatch consoles.

9. January 24, 2017 Meeting Minutes - Page 51 - Commissioner LaMarca:

Question No. 9: "So from the standpoint of the evaluation committee,.....my understanding is a fire chief rep and a police chief rep and the medical examiner, but I don't see that there was anybody who actually would be using these, and I love my fire and police chiefs, but they're not the ones who are using these radios on a regular basis or this system on a regular basis. Is there any reason, Ms. Henry, why we don't have a representative or firefighters and police officers organizations?"

Response No. 9: The Police Chiefs Association and Fire Chiefs Association recommended two of their respective members to serve on this P25 Evaluation Committee: A Fire Chief and a Police Major. The Technical Review Team which participated in the Demonstration Meetings, however, was comprised of first responders (police officers and fire/rescue staff). Four of six members of the Technical Review Team serve as police officers or fire/rescue staff: Two police and two fire/rescue members. They are: Battalion Chief Michael Kane, Broward Sheriff's Office, Fire-Rescue Department; Division Chief Michael Moser, City of Coral Springs Fire Department; Captain Michel Michel, City of Hallandale Beach Police Department; and Lieutenant Robert Wehmeyer, City of Coconut Creek Police Department.

The remaining two members serve as a Duty Officers for the Regional Communication Dispatch and 9-1-1 Division and the other as a Supervisor in our Office of Regional Communications and Technology. Specifically, they are: Kevin Mitchell, Duty Officer, Broward Sheriff's Office, Community Services Department, Regional Communications Dispatch and 9-1-1 Division; and, Lygia Torres, Information Systems Supervisor, Broward County Office of Regional Communications and Technology. Therefore, various positions of the rank in file for both first responders, police and fire, were represented in the composition of the Evaluation Committee and Technical Review Team.

In reviewing the composition of the technical committee and other personnel involved in the solicitation, it came to our attention that the Project Manager is married to a former employee of one of the proposing vendors. In an abundance of caution we thoroughly investigated the matter, and determined the relationship to have no effect upon the independence or objectivity of the solicitation. See attached Affidavits of Mitch Nowak (Motorola Solutions, Inc.) and Project Manager Jose DeZayas (**Attachment 3**).

10. January 24, 2017 Meeting Minutes - Page 51 - Commissioner LaMarca:

Question No. 10: "So one other technical question on the equipment. Now regardless of the vendor, is it possible - - there was a rumor out there....Is it possible that any of this equipment will be reconditioned or is it all brand-new equipment?"

Response No. 10: The RFP solicitation specified new, not reconditioned, equipment. There were no proposals for reconditioned equipment.

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11. January 24, 2017 Meeting Minutes - Page 53 - Michael Moskowitz:

Question No. 11: "A technical review committee did not rank anybody. They did not rank Motorola over Harris or vice versa. They were given a score sheet with a checkmark compliant or not compliant. They were not allowed to voice their own opinion. They simply were allowed to fill out the form. That is a critical part because one of the things we say is that the evaluation committee did not have a demonstration of the equipment. We wanted to do that, and we consider that a fatal flaw in the process."

Response No. 11: The statement that "A technical review committee did not rank anybody" is a factual statement. The Technical Review Team does not score or rank vendors. That is the function of the Evaluation Committee. The Technical Review Team with their subject matter expertise is a fact-finding team whose technical expertise is critically important in determining whether the installed system being demonstrated can perform the required functions of the proposed system specified in the RFP solicitation. As such, the Evaluation Committee and County staff need facts, not opinions. From the technical facts gathered and reported to them by the subject matter experts on the Technical Review Team, the Evaluation Committee members form their own opinions in light of the written vendor proposals they have also reviewed, the vendor presentations and their answers to the Evaluation Committee's questions. The County's Demonstration Meeting practice has been consistent in employing Technical Review experts to conduct the demonstration meetings who then report their findings of fact to the Evaluation Committee members, making themselves available for questions from the Evaluation Committee. For this P25 RFP, we remained consistent with the practice that has proven successful in the past. Additionally, the County has never videotaped a Demonstration Meeting to show at a later time to the Evaluation Committee, but has relied successfully on written reports supplemented by a question and answer opportunity.

12. January 24, 2017 Meeting Minutes – Page 53 - Michael Moskowitz:

Question No. 12: "Second, it was mentioned that we're now throwing things up in an effort to throw this into a political process. Let me explain why this is incorrect. If you look at your backup and there's much more to this, during the process before a vote was taken, before anyone could claim foul we send in over 50 questions about the process claiming that there were mistakes along the way that needed to be corrected, the process needed to be changed. We also on behalf of that law firm before the evaluation committee met sent in several letters explaining the problems with the process and everything that's in our protest. This is before the vote, before anyone won, before anyone lost. So we were complaining about this all along, the failure to have demonstrations."

Response No. 12: Mr. Moskowitz' statement regarding the failure to have demonstrations is an incorrect statement. The County absolutely did hold Demonstration Meetings for the P25 Radio System for each proposer, Harris Corporation and Motorola Solutions, Inc. on October 17 - 21, 2016 (Harris) and November 9-10, 2016 (Motorola). These Demonstration Meetings were a requirement of the process and included in the RFP R1422515P1 Solicitation document advertised from May 11, 2016 to August 17, 2016.

Mr. Moskowitz may, however, have meant to reference the videotaping of the demonstration meetings which was a preliminary concept before County staff determined that videotaping of the demonstration meetings should not be done. The County did not videotape these demonstrations for two very important reasons: (1) Videotaping of demonstrations for later viewing by Evaluation Committee members has never been a part of the procedure for RFP procurements. The fact-finding conducted by technical experts during the demonstration meetings has, in the past, been successfully reported in writing to Evaluation Committee members with the technical experts (Technical Review Team) answering any questions by Evaluation Committee members regarding the written demonstration report; and (2) All previous demonstration meetings in Broward County have been conducted in a controlled environment to ensure fairness and an equal and level playing field to all vendors demonstrating their systems.

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The demonstration meetings were held in the same room in a Broward County Government building on the same Broward County Government equipment. For the P25 Radio System demonstration meetings, there was no Broward County Government building where a P25 System could be demonstrated. The vendors, therefore, were required to choose the best location where they could demonstrate the greatest number of the 160 required P25 functions. Because these vendor-chosen locations would be different buildings in different locations and Broward County could not guarantee a controlled environment, it was determined that videotaping these demonstrations with so little control by Broward County over the conditions under which the demonstrations were occurring would be unfair to both vendors and could possibly provide more confusion than clarity to Evaluation Committee members.

In the interest of fairness to all vendors, County staff determined that videotaping which has never been a part of demonstration meetings in the past, even in a controlled environment, would not be done in this procurement.

13. January 24, 2017 Meeting Minutes - Page 53 - Michael Moskowitz:

Question No. 13: "Another key point in our process that Mr. Salem will go through more specifically, Motorola did not disclose material litigation. In our protest, we disclosed that there were three lawsuits going on in this country which allege the failure of the Motorola equipment which allege led to several deaths."

Response No. 13: One of the issues raised was whether three lawsuits were "material." The RFP defined "material" litigation that requires disclosure as follows:

A case is considered to be "material" if it relates, in whole or in part, to any of the following:

- i. A similar type of work that the vendor is seeking to perform for the County under the current solicitation;
- ii. An allegation of negligence, error or omissions, or malpractice against the vendor or any of its principals or agents who would be performing work under the current solicitation;
- iii. A vendor's default, termination, suspension, failure to perform, or improper performance in connection with any contract;
- iv. The financial condition of the vendor, including any bankruptcy petition (voluntary and involuntary) or receivership; or
- v. A criminal proceeding or hearing concerning business-related offenses in which the vendor or its principals (including officers) were/are defendants.

The determination of whether or not a particular case is material is ultimately an issue for the Evaluation Committee. The RFP requires disclosure by each vendor of any material cases, and as part of the procurement process, the County Attorney's Office reviews for certain undisclosed litigation, which the vendor then classifies as either material or non-material. A determination of materiality by the evaluation committee may require review of the pleadings in each case and inquiry into whether the claims have been adjudicated favorably or adversely to the vendor or otherwise remain pending. If an issue arises as to whether or not a particular matter is material, the Evaluation Committee may pose these questions to the vendor, who can provide the requested information for the consideration of the evaluation committee.

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14. January 24, 2017 Meeting Minutes - Page 54 - Bill Salim:

Question No. 14: "As set forth in my protest, there are at least three pending cases that existed during the time of this procurement, two of which still exist today in Texas, one state, one federal, that involves specific questions as to, quote, the type of work involved in this procurement radio systems and alleged failures in those systems that resulted in the tragic loss of life of first responders. Number two, allegations of negligence, errors or omissions in the design of the system, and number three, the vendor's default, failure to perform, or improper performance in connection with the contract. These are the public radio systems in Houston and in Tallahassee. They failed to disclose that. The selection committee had no idea they existed, and then when they explained it in a letter to staff on September 26th, which was parroted in Ms. Billingsley's response, he writes with respect to the Texas Beebe case, involves a personal injury lawsuit filed by a family of a Houston firefighter who died in a fire three years ago when the building collapsed. Although the firefighters were using Motorola system, the building collapsed within five minutes of the firefighters entering the building. They said it was not material. Nobody ever looked at the complaint. There are three independent fire investigations that talk about these defects. We say: Send it back to the evaluation committee for full and complete disclosure of all material facts and let them score based on those facts. Thank you very much."

Response No. 14: One of the issues raised was whether three lawsuits were "material." The RFP defined "material" litigation that requires disclosure as follows:

A case is considered to be "material" if it relates, in whole or in part, to any of the following:

- i. A similar type of work that the vendor is seeking to perform for the County under the current solicitation;
- ii. An allegation of negligence, error or omissions, or malpractice against the vendor or any of its principals or agents who would be performing work under the current solicitation;
- iii. A vendor's default, termination, suspension, failure to perform, or improper performance in connection with any contract;
- iv. The financial condition of the vendor, including any bankruptcy petition (voluntary and involuntary) or receivership; or
- v. A criminal proceeding or hearing concerning business-related offenses in which the vendor or its principals (including officers) were/are defendants.

The determination of whether or not a particular case is material is ultimately an issue for the evaluation committee. The RFP requires disclosure by each vendor of any material cases, and as part of the procurement process, the County Attorney's Office reviews for certain undisclosed litigation, which the vendor then classifies as either material or non-material. A determination of materiality by the evaluation committee may require review of the pleadings in each case and inquiry into whether the claims have been adjudicated favorably or adversely to the vendor or otherwise remain pending. If an issue arises as to whether or not a particular matter is material, the evaluation committee may pose these questions to the vendor, who can provide the requested information for the consideration of the evaluation committee.

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15. January 24, 2017 Meeting Minutes - Page 55 - Dennis Martinez:

Question No. 15: "So approximately 13 of the requirements (i.e. Demonstration Meeting requirements) actually were around the computer dispatching system and interfacing to it. I will add that of the 160 requirements, Harris demonstrated all but 13, and those 13 were predominantly around the CAD interface which we were denied access to because of proprietary - - the proprietary nature of that system. That denial did not allow us the opportunity to demonstrate 100 percent of the requirements and, therefore, the evaluation committee did not have the benefit of seeing that we were able to meet 100 percent of the requirements as demonstrated."

Response No. 15: Demonstration Meetings are required in RFP projects when software or systems integrated into the design of the system must be proven by vendors to already be successfully installed and currently operating as proposed in the vendor's RFP submittal (i.e. proposal). Due to the complexity and size of Broward County's P25 Radio System, it was understood by staff planning the Demonstration Meetings with their 160 functions to be demonstrated by each vendor, that no vendor would be able to demonstrate 100% of the 160 functions at the demonstration location. For that reason, if a vendor could not demonstrate particular required function at the demonstration location, but had another installation where another P25 System was in operation, the Technical Review Team could be provided with an affidavit or letter giving the alternate location information to be honored as compliance with the particular required function. Due to the size and complexity of the proposed P25 Radio System, both vendors had required functions which they could not demonstrate in their particular demonstration location. For these, both vendors provided affidavits or letters with the required information. As a result, both vendors were considered by the Technical Review Team to have successfully fulfilled all 160 function requirements.

16. Commissioner Geller Written Question received on January 25, 2017:

Commissioner Geller Written Question No. 1: "If I am unwilling to start the process over or to have the commission act as the selection committee, do I have any reason to believe sending it back to the original selection committee will result in any change?"

Response to Written Question No. 1: This is a very important project for the County, the Evaluation Committee members invested a significant amount of time over several months to understand the issues, review the proposals of each vendor, attend the presentation meeting, and engage in discussion with the Technical Review Team. Additionally, in the Final Evaluation Committee Meeting, a great amount of time was devoted to asking questions of both vendors about their written proposals their proposed systems, their project team and their approach to project deliver. In view of this, we do not believe that that there is any new information that would support the Evaluation Committee members to reconsider their evaluation scores.

17. Commissioner Geller Written Question received on January 25, 2017:

Commissioner Geller Written Question No. 2: "Harris has raised the issue of the Motorola's failure to disclose legal cases. Does the county believe that any of the three cases mentioned by Harris are material and should have been disclosed?"

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Response to Commissioner Geller Written Question No. 2: One of the issues raised was whether three lawsuits were "material." The RFP defined "material" litigation that requires disclosure as follows:

A case is considered to be "material" if it relates, in whole or in part, to any of the following:

- i. A similar type of work that the vendor is seeking to perform for the County under the current solicitation;
- ii. An allegation of negligence, error or omissions, or malpractice against the vendor or any of its principals or agents who would be performing work under the current solicitation;
- iii. A vendor's default, termination, suspension, failure to perform, or improper performance in connection with any contract;
- iv. The financial condition of the vendor, including any bankruptcy petition (voluntary and involuntary) or receivership; or
- v. A criminal proceeding or hearing concerning business-related offenses in which the vendor or its principals (including officers) were/are defendants.

The determination of whether or not a particular case is material is ultimately an issue for the Evaluation Committee. The RFP requires disclosure by each vendor of any material cases, and as part of the procurement process, the County Attorney's Office reviews for certain undisclosed litigation, which the vendor then classifies as either material or non-material. A determination of materiality by the evaluation committee may require review of the pleadings in each case and inquiry into whether the claims have been adjudicated favorably or adversely to the vendor or otherwise remain pending. If an issue arises as to whether or not a particular matter is material, the evaluation committee may pose these questions to the vendor, who can provide the requested information for the consideration of the evaluation committee.

18. Commissioner Geller Written Question received on January 25, 2017:

Commissioner Geller Written Question No. 3: "What effect, if any, did Harris' inability to access the proprietary code have on the scoring?"

Response to Commissioner Geller Written Question No. 3: During the Demonstration Meetings, if a vendor could not demonstrate a particular functional requirement, they could provide an affidavit or letter giving an alternate location where that functionality could be demonstrated. Both vendors provided affidavits or letters for any of the functional requirements they could not demonstrate at their chosen locations. This, therefore, did not have any effect on the scoring by Evaluation Committee members.

19. Commissioner Geller Written Question received on January 25, 2017:

Commissioner Geller Written Question No. 4: "Please explain the process for scoring the "Project Approach" portion of the evaluation, which accounted for 40 points of the final evaluation. It is my understanding that the technical committee could only evaluate whether or not each bidder met each particular criteria, reporting in a yes or no, or qualified or not qualified format and that the selection committee based their scores for the "Project Approach" portion on the report from the technical committee. If my understanding is correct, how could the scoring of this portion vary so widely?"

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Project 25 700MHz Communication System

Responses to Commissioner Questions

Response to Commissioner Geller Written Question No. 4: See Response to Question #3 (Commissioner Geller's question on January 24, 2017 from the dais.)

Comments from Commissioner Geller:

1. I reject Harris' position that the representatives of police and fire preferred Harris because both of their representatives scored Motorola higher before price was factored in.
2. I reject Harris' position that the county should pick them due to price. Price was already factored into the original scoring model, and Harris already received their bonus points.

20. Commissioner Udine Written Question received on January 31, 2017:

Commissioner Udine Written Question No. 1: Throughout the agenda item back up there is mention of the current "Premier One cad" and the ability of presenters to interact and demonstrate with the current system using the "API data" connection.

- a. Does Broward County own the current "Premier One cad" system?
- b. Does Broward County have the ability to make the "API data" available?

Response to Commissioner Udine Written Question No. 1: Same answer as Question 5 (Commissioner Udine's question on January 24, 2017 from the dais.)

21. Commissioner Udine Written Question received on January 31, 2017:

Commissioner Udine Written Question No. 2: Concerned about the concept that one system is being written on code that is older and not "the latest and greatest" technical code for this type of system. Has that been addressed and can you advise on this issue?

Response to Commissioner Udine Written Question No. 2: Same answer as Question 8 (Commissioner Udine's question on January 24, 2017 from the dais.)

22. Commissioner Udine Written Question received on January 31, 2017:

Commissioner Udine Written Question No. 3: There was mention about one system being "closed" source and one system being "open" sourced. Can you address this issue as it relates to the value and operability of the system, both now and in the future, for the County?

Response to Commissioner Udine Written Question No. 3: Same answer as Question 6 (Commissioner Udine's question on January 24, 2017 from the dais.)

23. Commissioner Udine Written Question received on January 31, 2017:

Commissioner Udine Written Question No. 4: There were issues regarding the operability of the different systems in the event of power failures and severe weather incidents. Can you address this issue as it related to both vendors and their ability to deal with severe weather issue in light of South Florida climate and weather patterns?

Response to Commissioner Udine Written Question No. 4: Same answer as Question 7 (Commissioner Udine's question on January 24, 2017 from the dais.)

R1422515P1, Public Safety Radio APCO Project 25 700MHz Communication System

Legend	
Price Score for Harris	Price Score for Motorola
25 Points for each EC Member	20.61 Points for each EC Member

A.			
All EC Member Scores		Scores for All EC Members Harris Corporation	Scores for All EC Members Motorola Solutions
EC Member	Score	Score	Score
Cepero - Low	45	60	60
DiPetrillo - High	67	69	69
Quinones	66	69	69
Thompson	57	67	67
Mallak	64	63	63
Wolf	61	69	69
Bayag	59	68	68
Subtotal - Price Not Included		419	465
Price Scores (EC Member X Price Score)		175	144.27
Grand Total including Price scores		594	609.27

B.			
Outlier Excluded		Scores for 6 EC Members Harris Corporation	Scores for 6 EC Members Motorola Solutions
EC Member	Score	Score	Score
Cepero - Low	(excluded)	(excluded)	(excluded)
DiPetrillo - High	67	69	69
Quinones	66	69	69
Thompson	57	67	67
Mallak	64	63	63
Wolf	61	69	69
Bayag	59	68	68
Subtotal - Price Not Included		374	405
Price Scores (EC Member X Price Score)		150	123.66
Grand Total including Price Scores		524	528.66

C.			
EC Members Representing Fire, Police, Medical Examiner's Office		Scores for Harris Corporation	Scores for Motorola Solutions
EC Member	Score	Score	Score
DiPetrillo	67	69	69
Quinones	66	69	69
Mallak	64	63	63
Subtotal - Price Not Included		197	201
Price Scores (EC Member x Price Score)		75	61.83
Grand Total including Price Scores		272	262.83

Affidavit for Jose De Zayas

AFFIDAVIT

State of Florida, County of Broward

BEFORE ME, the undersigned Notary, Liana Ravello, on this February 3, 2017, personally appeared Jose De Zayas, known to me to be a credible person and of lawful age, who being by me first duly sworn, on his oath, deposes and says:

1. Evelyn Marie Melendez-De Zayas is my wife;
2. She worked for Motorola while I was assigned as the Project Manager for the P-25 procurement;
3. She is aware that I am the County's Project Manager for the subject Project;
4. She was not involved in any aspect of the procurement for the Public Safety Radio APCO Project-25 700 MHZ Communications System;
5. There were no discussions or communications between myself and Evelyn Marie Melendez- De Zayas regarding this procurement;
6. I disclosed to Daniel Revis, Brett Bayag, Rick Carpani (Previous Director) that my wife worked for Motorola;
7. Neither she or any of the Motorola team took part in the weekly project status conference calls between County Staff and the Consultant;
8. I did not perceive this to be a conflict within the Radio section of ORCAT; and
9. I believe that I have performed my duties as Project Manager in an open and fair competitive environment

Jose M. De Zayas
Signature

Jose M. De Zayas
Jose De Zayas

2148 SW 117 Ave
Address

MIRAMAR, FL 33025

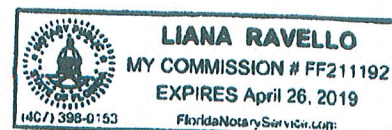
State of Florida, County of Broward

Sworn to (or affirmed) and subscribed before me this 3rd day of February, 2017, by Jose De Zayas.

Liana Ravello
(Signature of Notary Public - State of Florida)

LIANA RAVELLO
(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known OR Produced Identification _____
Type of Identification Produced _____



Affidavit for Mitchell Nowak
Motorola Solutions, Inc.

GENERAL AFFADAVIT

State of FLORIDA
County of Broward

Before me this day personally appeared Mitchell Nowak, who, being duly sworn deposes and says:

Motorola Solutions, Inc., provides the following information at the request of Broward County. This information is true, complete and accurate in accordance with the personnel records maintained by Motorola Solutions.

Employment date for: Evelyn DeZayas
Job Title: Sr. Engineer Industrial Staff
Unit or Section she worked in: Supply Chain
Immediate Supervisor's Name: Paul Logan
Date of Employment: October 4, 1999
Date of Departure: December 31, 2016

1. What were her Job duties?

The supply chain project manager is responsible for managing internal material demand for new device development within the Motorola factory. The supply chain project manager's responsibility is an internal role managing Motorola's in-house supply chain by ensuring that programs are completed on time, within budget and achieve quality and compliance goals.

2. What were her Roles and Responsibilities?

Mrs. DeZayas led Supply Chain activities associated with device products designed by Motorola Engineering. Her job was focused on the Supply Chain's objectives to deliver new devices on time and meet quality at production volumes per production forecast. She led and participated in Supply Chain schedule development, project execution, status reviews as well as supply chain risk mitigation activities. She was the Supply Chain focal point for device programs that were assigned to her.

3. Would she have been involved in any aspect of the procurement for the Public Safety Radio APCO Project-25 700 MHZ Communications System?

No

If so, please explain her involvement?

4. Were there ever any discussions or communications between you or any other Motorola team member assigned to this project with her regarding this procurement?

No

5. During the active procurement process for Broward County were you aware that she was married to the Project Manager assigned by Broward County to manage this project?

Yes. One person on the Motorola project team was aware of the relationship and acknowledges having briefly met Mrs. DeZayas a single time several years ago. The balance of the Motorola project team was unaware of the relationship.

If so, did you disclose this information to anyone?

No

If so, to whom?

If not, why not?

The one person who had met her previously, believed that Ms. DeZayas was no longer married to the Broward County Project Manager and knew that Mrs. De Zayas responsibilities at Motorola were never connected to Broward County or any procurement.

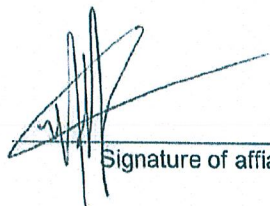
What, if any, action was taken?

None

If so, what measures were put in place to separate the involvement of this employee to avoid the appearance of a perceived conflict?

6. As part of her job duties would she have been involved in any procurements for Motorola Solutions, Inc.?

No



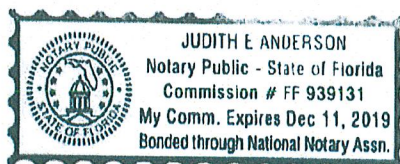
Signature of affiant

Sworn to (or affirmed) and subscribed before me this 3rd day of FEBRUARY, 2017, by MITCHELL NOWAK who is personally known to me or X produced a FLDL as identification.



Notary public signature

(SEAL)



JUDITH E ANDERSON

Notary public printed name