

Public Safety Communications Board (PSCB)
Commission Chambers
August 17, 2009
3:00 PM

Attending: County Administrator Parwez Alam (Chairman); City Manager Anita Favors Thompson; Leon County Sheriff Larry Campbell; Tallahassee Police Chief Dennis Jones; Tallahassee Fire Chief Cindy Dick, and Emergency Management Services Chief Tom Quillin. Also attending were County Attorney Herb Thiele and City Attorney Jim English.

The meeting was called to order at 3:00 PM.

Mr. Alam established with the Board that that comments from the public would be accepted; however, speakers would be limited to three minutes.

Ms. Favor's asked that Item #4 be moved up on the agenda and addressed by the Board first. There was no opposition to Ms. Favor's request.

- 1. Approval of the May 26, 2009 PSCB Meeting Minutes**
Sheriff Campbell moved, duly seconded by Chief Quillin, to approve the May 26, 2009 PSCB Meeting minutes. The motion carried unanimously.
- 2. Current 800MHz System Operational Issues**
Chief Dicks moved, duly seconded by Chief Quillin, to approve the August 2009 Status Report for the 800 MHz System. The motion carried unanimously.
- 3. Status Report Regarding New Radio Communication System**
Sheriff Campbell moved, duly seconded by Chief Quillin, to approve the P25 – 800 MHz Digital Radio System Implementation Status Report. The motion carried unanimously.
- 4. Approval of the Recommendation for the Construction Manager for the Public Safety Complex**
Mr. Alam explained that the item requested approval of the recommendation for the construction manager for the Public Safety Complex. He advised that the Selection Committee evaluated the competing bids and ranked the bids as follows: 1) Ajax; 2) Turner Baycrest Pinnacle, and 3) Culpepper & Childers.

Mr. Alam shared that there was a question by the County Attorney's Office regarding the legality of the bidding process and noted that this issue was responded to by both the County Attorney Herb Thiele and City Attorney Jim English. (Copies of Mr. Thiele and Mr. English's comments are attached). Mr. Alam noted that Mr. Thiele and English were available for clarification and questions.

Ms. Favors Thompson stated that varying opinions had been received by the respective attorneys and asked if there was any documentation or action taken by the PSCB that indicated that the County's purchasing process would be used.

Alan Rosenzweig, Assistant County Administrator, recollected that the PSCB did approve the use of the County's process; however no formal document was done beyond the original MOU establishing the PSCB. In response to concerns expressed by Ms. Favors Thompson, he stated that a review of the MOU would be done to determine if it contained language designating the procurement process to be used.

Mr. Alam articulated that the procurement process had been used by both the City and the County with no thought that it was incorrect. He pointed out that Mr. English did not

necessarily agree that the process was flawed. Due to the difference in opinion, Mr. Alam asked for further clarification.

Mr. Thiele referenced his memorandum of August 6, 2009, and offered that a review of the Statutes indicates that the ranking process does not allow a pricing component; this is done after rankings are assigned. He remarked that his office concluded that the bid structure was not appropriate and that the bids should be rejected. Mr. Thiele stated that there were options available on how to proceed and what to do next.

Mr. English explained that he and Mr. Thiele had met to look at ways and possible solutions to move the project forward and agreed that the removal of the monetary proposals would allow the process to proceed to negotiations with the number one ranked vendor. He added that City and County Commission approval of the recommended firm would be required to move forward to negotiations.

Sheriff Campbell remarked that a lot of time had been spent on the RFP process and agreed that pricing should be removed, the remaining criteria be tallied and scored and move forward.

Sheriff Campbell moved, duly seconded by Chief Dicks, to accept the recommendation to remove the pricing component from the scoring criteria and proceed with the project.

Chief Dicks also expressed concern regarding the time constraints of the project and concurred that the removal of the pricing component would seem to resolve the issue.

Ms. Favor established with Mr. English that the Consultants' Competitive Negotiation Act (CCNA) provision used by both the City and County would be used for the cost component. He explained that staff would enter into contract negotiations, to include price, with the number one ranked vendor (once approved by both Commissions). He added that if an agreement cannot be reached, the same process would be conducted with the number two ranked vendor, and so forth.

Mr. Alam clarified that the proposed action by the PSCB was to:

- Request approval from the City and County Commissions to approve the top three rankings;
- Remove the pricing component from the ranking formula;
- Proceed with contract negotiations with the top ranked firm, and
- Follow the CCNA process.

Mr. Alam confirmed that removal of pricing from the scoring formula did not alter the vendor rankings: 1) Ajax; 2) Turner Baycrest Pinnacle, and 3) Culpepper & Childers.

Ms. Favors Thompson asserted that the issue of process and how it would be handled by the PSCB henceforth needed to be resolved.

Mr. Alam inquired from Mr. Thiele if there was concurrence with the process presented by Mr. English. Mr. Thiele responded that he was sensitive to the time constraints of the project and that the elimination of the pricing component would result in a better defensive position if a challenge was presented as the ranking would then be solely based upon the CCNA criteria dealing with professional qualifications.

Mr. Thiele also commented that his office was unaware of the content of the bid package until informed by the County Administrator approximately one week ago. Mr. Alam noted that he too was unaware of its content until the bid process had proceeded to its current point. Mr.

Alam commended Mr. Thiele and Mr. English for their efforts to provide a recommendation for PSCB consideration.

Mr. Alam recommended that a Joint City/County Commission meeting be scheduled to consider the PSCB's recommendation. There was concurrence for Mr. Alam's recommendation.

Speaker:

- Steve Ghazvini, 2646 Millstone Plantation, Baycrest Turner Corporation Pinnacle, expressed concern over the picking and choosing of items to be removed from the bid component and opined that a component cannot be removed. He asserted that the process does not follow the Statute, and as such has to be restarted.

Mr. Alam restated the motion: *Sheriff Campbell moved, duly seconded by Chief Dicks, to remove the 35 points assigned to "Cost" from the Evaluation Criteria. The remaining total possible points to be awarded would be reduced by 35 (from 200) for a new total of 165. Bids will be ranked on the remaining criteria (amounting to 165 points) and the ranking would be presented to the City and County Commissions at a proposed Joint Commission Meeting. The motion carried unanimously.*

Anita Favors Thompson moved, duly seconded by Sheriff Campbell, to direct staff to bring back an item at the next meeting regarding a procedure that would clearly identify in any similar situations how the PSCB would proceed and which process would be used. The motion carried unanimously.

Ms. Favors Thompson departed and Mr. Rick Fernandez, Assistant City Manager, joined the meeting representing the City.

5. Approval of the Public Safety Complex's Owner's Project Requirements, Program Schedule, and Program Budget as prepared by URS

A presentation was given by Charlie Halboth, URS Project Management Team, which provided information on: 1) Owner's Project Requirements; 2) Program Schedule, and 3) Project Budget. A report on these issues was provided to PSCB members.

Mr. Alam established with Mr. Halboth that the current EOC design allocated space only for the EOC operations placed under the Sheriff and did not include designed space for the City EOC. Mr. Alam explained that he thought it important to include sufficient space to house the City EOC, for possible future consolidation of EOC.

Sheriff Campbell opined that having all entities housed in the same building would allow better problem solving and communication.

Mr. Fernandez discussed with URS staff that although there was not space shown in the proposed outline for the City; would there be sufficient space (utilizing common areas) to house City EOC when mobilized. URS staff indicated that there should be sufficient space; however, they would review the current configuration to determine if more square footage was needed.

Richard Smith, Emergency Management Director, commented on the design of the building and mentioned that a lot of the common space used on a daily basis would be utilized during EOC activation. He added that the proposed facility offered everything needed to conduct an emergency operation, improve day to day emergency response/operations and the monitoring of events.

Chief Dicks pointed out that the City EOC is not staffed on a daily basis only during activation and opined that there seemed to be sufficient space for City EOC when activated.

URS staff noted that the EOC facility was designed to meet the projected need for 25 years and would most likely have enough space for a consolidated EOC for years.

Mr. Alam reiterated the need for the City EOC to be incorporated into the plan.

Rick Fernandez moved, duly seconded by Sheriff Campbell, to approve the Public Safety Complex's Owner's Project Requirements, Program Schedule, and Program Budget as prepared by URS. The motion carried unanimously.

Mr. Alam established that there was no interest among other PSCB members to visit the joint emergency facility in Collier County.

6. New Business:

Mr. Alam confirmed that there was no new business to come before the PSCB.

7. Set up date for October meeting:

No date was set for the October meeting at this time.

8. Possible agenda topics for the next meeting:

There were no agenda topics noted for the October meeting.

There being no further business to come before the PSCB, the meeting was adjourned at 4:00 p.m.