Response to Daniel Borenstein article in the Contra Costa Times 9/6/08

Daniel Borenstein wrote an article that appeared in the Contra Costa Times and other ANG newspapers that was critical of the EBRCSA project and the cost. I would like to provide some clarification as there were several inaccuracies in the article. The main focus of the article revolves around the initial RFP that Alameda County issued and the subsequent contract with Motorola.

Alameda County issued an RFP to replace its existing 800 MHz radio system and included language that the new system must be P25 compliant and have connectivity with the existing legacy system. The RFP also requested a two county design to provide a system that could serve the users in Alameda and Contra Costa counties. The RFP was not written as a sole source RFP, and it was anticipated that multiple vendors would bid on the system. There were at least two vendors, Motorola and MA/COM, that were capable of responding to the RFP. There was only one respondent to the RFP, Motorola. Alameda County entered into a contract with Motorola to purchase up to $16 million in infrastructure and complete the two county design. Motorola delivered the two county design and both counties began purchasing infrastructure.

Prior to establishment of the EBRCSA, Contra Costa County expressed concern about the bidding process and the two county design. Contra Costa County sent representatives from the County Administrator's Office and County Counsel to review the Alameda County procurement process. They concluded that Alameda County followed an appropriate procurement process, and subsequently Contra Costa County joined the EBRCSA.

Contra Costa also contracted with CTA Communications to review the Motorola two county design to determine if there were any fatal flaws, and make a determination as to whether the projected costs were appropriate and reasonable. County Administrator John Cullen's staff report to the Board of Supervisors dated March 20, 2007, stated "In summary, CTA did not identify any fatal flaws in the EBRCS design (they do provide some ideas for improving the system design); and they did find that some of the costs are reasonable, while others are higher than expected (CTA does provide ideas for lowering future costs)."

The EBRCSA Task Force also initiated a review of the two county design through the Department of Homeland Security's Interoperable Communications Technical Advisory Program (ICTAP). The ICTAP review was a technical review that made some recommendations for the future build out. ICTAP was very strident in their support of the EBRCSA and stated in the report that "All regional agencies and jurisdictions must seriously consider joining the EBRCSA. While financial considerations may hinder migration of some users to the EBRCSA, their future plans should support migration to the system."

As we moved forward, the EBRCSA Board requested that we hire a consulting firm to review the system design and evaluate how the build out of the system might be completed. Through a competitive process administered by Alameda County, a selection committee made up of EBRCSA members selected CTA Communications. The EBRCSA has contracted with CTA to complete the study. CTA has completed their initialization interviews with system users and completed a detailed design review meeting with Motorola with the final report due by the end of the year.

In his article, Mr. Borenstein was critical of the system design and its ability to serve all users. Dr. Ken Ballard of CTA Communications conducted the meeting with Motorola's design engineers and was very impressed with the coverage and design decisions that have been made to date. While there are some decisions that still remain to complete the build out, Dr. Ballard did not recommend any changes to the existing build out. The goal of CTA's current study is to provide information for the Board's use in making the remaining decisions about the system design and procurement.

Mr. Borenstein was also critical of the costs of the original proposal and the lack of a solid budget. The original proposal for the system build out was reviewed by CTA in the Contra Costa study, and they concluded that some of the costs (installation and vendor services) are higher than expected while some costs (equipment) are within range. Mr. Borenstein stated that the costs are $11 million dollars higher than they should be, assuming total system build out using the existing Motorola contract. The CTA report stated that, given that only one vendor responded, the costs were approximately $6 million higher than expected, if we were to purchase the entire system using the current contract. It is important to note that we have not purchased all of the equipment and/or services in the original proposal and are proposing to contract with CTA to bid out and/or negotiate the contract to complete the system build out. All of the equipment that has been purchased is currently being installed and will be used in the final system build out. The existing Motorola contract will expire October 31, 2008, and will only be renewed for one year.

The total amount of grant funding received to date by Alameda and Contra Costa counties allocated for interoperability is $20,705,332. The funding has been used to procure and install microwave equipment, upgrade existing facilities, as well as purchase equipment from Motorola. Approximately $11,900,000 of equipment and services have been purchased from Motorola using the contract. CTA's report concluded that the overall costs, given that one vendor responded, were approximately 12.5% higher due to the cost of "Vendor Services," which equates to approximately $1,487,500. Contra Costa has assumed some of the installation costs, which places the equipment purchases (CTA concluded equipment costs are within range) as a higher percentage of the overall expenditures. Given that Contra Costa is doing the installation the number is considerably smaller.

We are working at this time with the Bay Area SUASI to establish a competitive procurement process for infrastructure using multiple vendors. Given the amount of infrastructure that will be needed to build out the East Bay, West Bay and South Bay systems, we expect to see exceptional pricing.

Mr. Borenstein raised the issue of no "solid budget," which has been raised by the Board as well. The second phase of the CTA study will include the development of specifications for the final procurement of infrastructure which will provide more defined total system build out costs. The work that CTA will be doing for Oakland will assist the EBRCSA in determining the operational maintenance and replacement costs of the system. The determination of system build out costs along with the ongoing operation, maintenance, and replacement costs will provide the detail necessary to complete the the overall budget for the complete system.

While there are savings that might have been realized if multiple vendors responded, the fact is that only one vendor responded and provided the two county design. The $20,705,332 of homeland security grants that have been received by both counties to date have been used to purchase infrastructure based on the two county design. Having the design has allowed the counties to utilize homeland security funds that would have been used for other programs and projects.