

839

**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



**FROM:** Riverside County Information Technology (RCIT), County Counsel

**SUBMITTAL DATE:**  
September 13, 2005

**SUBJECT:** RADIO PROJECT CONTRACT SUPPORT FOR EVALUATION, LEGAL AND CONTRACT NEGOTIATIONS

**RECOMMENDED MOTION:** That the Board of Supervisors

1. Approve the attached sole source legal services agreement with Sonnenschein Nath & Rosenthal for a total not to exceed \$200,000, for support in RFP evaluation and then contract development and negotiations for the Public Safety Enterprise Communications Project;
2. Approve the contract amendment for RCC Consulting for an estimated \$50,000 to augment staff support for the completion of the RFP evaluation and contract negotiations for the Public Safety Enterprise Communications Project;
3. Authorize the Chairman to execute same on behalf of the County.

**BACKGROUND:**

(Continued)

*Joe S. Rank*  
Joseph Rank  
County Counsel

*Matthew W. Frymire*  
Matthew W. Frymire  
Chief Information Officer

<b>FINANCIAL DATA</b>	<b>Current F.Y. Total Cost:</b>	\$250,000.00	<b>In Current Year Budget:</b>	No
	<b>Current F.Y. Net County Cost:</b>	\$250,000.00	<b>Budget Adjustment:</b>	Yes
	<b>Annual Net County Cost:</b>	NA	<b>For Fiscal Year:</b>	05/06

**SOURCE OF FUNDS:** Included in Project Team Funding

**Positions To Be Deleted Per A-30 Requires 4/5 Vote**

**C.E.O. RECOMMENDATION:** **APPROVE**

**County Executive Office Signature**

Dept't Recomm.:  Consent  
 Per Exec. Ofc.:  Consent  
 Purchasing:  Policy  
 Ass't. Director:  Policy  
 Departmental Concurrence:

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NEGOTIATIONS**

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**BACKGROUND:** (Continued)

The Public Safety Enterprise Communications Project (formerly Radio Upgrade Project) has grown from a "fix" project to what may well be a complete replacement of the entire radio system. As the RFP process is still ongoing and the County is just beginning the RFP response evaluations, it remains unknown which direction the County will adopt. The hours described in this Form 11 and the attachments are best estimates based upon current still limited information; and these hours could change depending upon exactly how the RFP evaluation, vendor selection and contract negotiation processes proceed.

After analyzing the many different options that can be recommended by the RFP respondents, the Project Team has determined that additional professional and experienced outside assistance will be required in reviewing each of the RFP responses, selecting a vendor, and the development of a final contract. The development of a detailed and comprehensive final contract is critical to the success of this project. The Project Team is therefore recommending the following:

1. County Counsel does not have the background within their staff to lead negotiations for a complex and unique contract of this nature and technology while also providing other support to County staff necessary to complete this project. County Counsel has therefore strongly recommended that outside counsel be obtained to lead and oversee the development and negotiation of the final contract with the RFP's awarded vendor. There are only a limited number of law firms nationwide with sufficient experience in this type of extensive radio project. Following a search for qualified firms, several firms that are experienced in similar contract negotiations were evaluated by County Counsel and the CIO, and they are recommending Sonnenschein Nath & Rosenthal for this task.

Sonnenschein Nath & Rosenthal is a national firm based out of Chicago and New York with a large local office in Los Angeles, CA. The lead attorney, Arthur Katz, who works in the New York City office, brings significant experience negotiating these types of complex telecommunications and similar large contracts. Mr. Katz (and the Sonnenchein firm) is currently lead counsel and contract negotiator for New York City in development of its new half-billion dollar city-wide interoperability wireless communications network. Mr. Katz and his firm were selected by New York City after a nationwide search for the most qualified lawfirm to assist with that project. Their work on the New York City system should be of significant assistance to the County on this project, as many critical contract issues will be similar.

Based upon the limited information available at this time regarding the vendor selection and the exact nature of the required contract negotiations process, Sonnenschein has concurred with the County's rough estimate of attorney hours to complete this task for an estimated total of \$125,000 plus expenses. (The Sonnenschein attorneys will not charge the County for travel time to Riverside.) Based upon realistic expectations of how the process could actually proceed, the Project Team has added \$75,000 to this estimate to cover time and expenses not known at this time, bringing the requested amount to \$200,000.

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2. The County amends the existing contract with RCC Consulting (RCC), approved by the Board on February 11, 2004, agenda item 3.15, to include the additional time and effort that is expected to be involved in completing the evaluations, vendor recommendations, and contract development and negotiation tasks. RCC has been involved with our effort from the beginning and has unique knowledge of the County's operation and radio network, as well as the requirements for the updated radio system. Bringing in a new resource would require additional unnecessary time and effort, by both the new resource and County staff, to catch up with the past 18 months of effort to-date. RCC has provided this level of support to many other similar successful implementations and comes very highly recommended in these tasks by past customers. The County will pay the same hourly rate under this amendment as was charged when the original contract was negotiated in February of 2004.

Based upon input from the Project Team, RCC has estimated that the additional requirements will cost \$28,000 plus expenses (mileage). The Project Team has added \$22,000 to this estimate to cover time and expenses not known at this time, bringing the requested amount to \$50,000.

Date: 9/12/05

From: Matt Frymire Department / Agency: Riverside County Information Technology

To: Board of Supervisors

Via: Purchasing Agent

Subject: Sole Source Procurement; Request for Legal Services

The below information is provided in support of my Department requesting approval for a sole source. Outside of a duly declared emergency, the time to develop a statement of work or specifications is not in itself justification for sole source.

Supply/Service being requested:

Outside specialty legal services to lead and oversee the development and negotiation of the comprehensive Public Safety Enterprise Communications project contract; and also related assistance during the RFP proposal evaluation process and selection of the awarded vendor.

Supplier being requested:

Law firm of Sonnenschein, Nath and Rosenthal; Arthur Katz, lead counsel.

Alternative suppliers that can or might be able to provide supply/service:

Several legal firms experienced in contract negotiations within this specialized field were evaluated by County Counsel and the RCIT, based upon research, the firm of Sonnenschein, Nath and Rosenthal clearly had the most experience and required resources to help lead the County through the critical contract development and negotiation phase of this project. Other firms which were considered in the final selection included: Gordon and Glickson (a smaller firm based in Chicago which specializes in negotiation of information technology contracts on behalf of public entities, including representation of the State of California, and San Diego and Orange Counties, but which did not seem to have sufficient comparable experience with similar communications projects); Shiff Hardin (a national firm, also based in Chicago, which acted as outside counsel for the County's Oasis project contracts, but which did not have sufficient experience with similar communications projects).

Extent of market research conducted:

Deputy County Counsel Neal Kipnis and Chief Information Officer Matt Frymire conducted a search over several months for a lawfirm with sufficient experience and resources to lead negotiations for this complex contract. Inquiries were made with many other public entities nationwide to determine what legal resources they used for their communications projects. The search did not turn up many firms which seemed qualified for our project. The Sonnenschein firm was initially recommended by RCC Consultants, the County's engineering consultant for this project; but we continued searching to try to find other firms we felt might be qualified. After narrowing the possible choices to three firms (also including the Gordon and Shiff firms), we decided that Sonnenschein has the most and best experience with this type of radio project. While we were conducting this research, Sonnenschein was also selected to be the lead counsel and negotiator for the new half-billion dollar New York City wireless communications network

*Mark W. Supri*  
Department Head Signature:

*9/13/05*  
Date

Purchasing Department Comments

Approve

*Mark W. Supri*

Approve with Comments

Disapprove

*9-15-05*

Purchasing Agent

Date