

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

462



**FROM:** Stanley L. Sniff Jr., Sheriff-Coroner-PA

**SUBMITTAL DATE:**  
10/05/10

**SUBJECT:** Approval of Pen-Link, Ltd. as a Sole Source Vendor to Provide System Maintenance  
For the Sheriff's Wiretap Equipment

**RECOMMENDED MOTION:** Move that the Board of Supervisors:

1. Authorize the Purchasing Agent to award a system maintenance contract to Pen-Link, on behalf of the Sheriff's Department, for a cost not to exceed \$42,100 in FY 2010-11, without securing competitive bids, in accordance with Ordinance 459.4.
2. Authorize the Purchasing Agent, in accordance with Ordinance No. 459, to exercise renewal options, based on the availability of fiscal funding through June 30, 2015, and to sign amendments that do not change the substantive terms of the agreement, including amendments to the compensation provision that do not exceed the annual CPI rates.

**BACKGROUND:**

(Continued on Page 2)

*Will Taylor*

Stan Sniff, Sheriff-Coroner-PA  
Will Taylor, Director of Administration

**FINANCIAL  
DATA**

Current F.Y. Total Cost:	\$42,100	In Current Year Budget:	Yes
Current F.Y. Net County Cost:	\$0	Budget Adjustment:	No
Annual Net County Cost:	\$42,100	For Fiscal Year:	2010-11

**SOURCE OF FUNDS:** High Impact Drug Trafficking Areas Funds  
BR 11-038

Positions To Be  
Deleted Per A-30

☐

Requires 4/5 Vote

☐

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

APPROVE

BY:

*Elizabeth J. Olson*  
Elizabeth J. Olson

**County Executive Office Signature**

Dep't Recomm.  
☒ Policy

Per Exec. Office  
☒ Policy

Consent  
☐

ATTACHMENTS FILED WITH  
THE CLERK OF THE BOARD

**BOARD OF SUPERVISORS****FORM 11: Multi-Year Maintenance Package for the Pen-Link Wiretap****System****Page 2**

On December 19, 2006 (3.41), the Board of Supervisors accepted a Governor's Office of Emergency Services grant award in the amount of \$1,891,200 for specialized enforcement activities to target Methamphetamine Traffickers. In a subsidiary action that day, the Board also approved utilization of the grant funds to purchase the LINCOLN 12 channel wiretap system manufactured by Pen-Link, Ltd. With that purchase, Pen-Link also provided a no-cost 3 year software upgrade package, which expired August 31, 2010. The Sheriff's Department is proposing to continue with the Pen-Link maintenance and software upgrade package through the conclusion of 2015. The first year cost for the package is \$42,100, and will be funded by High Intensity Drug Trafficking grant funds. Maintenance expenses for succeeding years will be budgeted from the same funding source if available.

The LINCOLN wiretap system has become an important law enforcement tool for the Sheriff's Department. Pen-Link is the only vendor that can provide both network and switch based wire interceptions. Further, since the San Bernardino County Sheriff's Department and the Riverside Office of the Drug Enforcement Administration also utilize Pen-Link equipment and software, we can interface with their systems.

The LINCOLN wiretap system utilizes proprietary software which is developed and licensed by Pen-Link. It would not be feasible to approach a third party for system maintenance or software upgrades.

**PRICE REASONABLNESS:**

Pen-Link has warranted that the County will receive the same system maintenance price offered to other law enforcement agencies.

Date: September 21, 2010

From: Stan Sniff Department/Agency: Sheriff / SIB

To: Board of Supervisors/Purchasing Agent

Via: Purchasing Agent

Subject: Sole Source Procurement; Request for (insert commodity/service)

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:**

System Maintenance for a Pen-Link/LINCOLN wiretap system purchased in December 2006.

**Supplier being requested:**

Pen Link, Ltd.

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

None. Pen-Link is the only vendor that provides network and switch based solutions for wire interceptions.

**Extent of market search conducted:**

It would not be sensible or feasible to approach a third party for system maintenance or software upgrades.

It is essential that the Sheriff's Department continue with Pen-Link for the provision of maintenance for the wiretap system, because its maintenance agreement also includes software updates and upgrades. Unless otherwise specified in a separate agreement, Pen-Link will only support the current and the immediately preceding versions of its software.

**Unique features of the supply/service being requested from this supplier, which no alternative supplier can provide:**

The LINCOLN wiretap system utilizes proprietary software, which is developed and licensed by Pen-Link. As stated above, Pen-Link provides software updates and upgrades through its maintenance agreement.

**Reasons why my department requires these unique features and what benefit will accrue to the county:**

The equipment is costly to replace. Without a maintenance agreement the equipment would become obsolete and unusable.

The LINCOLN system has become an essential tool for the Sheriff's Department. Sheriff's staff can use it to interface with San Bernardino County Sheriff and the Riverside office of the Drug Enforcement Administration. It is operated as a stand alone

system for local investigation in need of wire surveillance, or it can supplement adjacent agencies for operations that require a larger scale effort.

**Price Reasonableness:**

Pen-Link has warranted that the County will receive the same system maintenance price offered to other law enforcement agencies.

**Does moving forward on this product or service further obligate the county to future similar contractual arrangements?**

Only in terms of the product maintenance system support costs.

**Period of Performance:**

September 1, 2010 thru August 31, 2011, renewable in one year increments through the conclusion of FY 2015.

*(Provide a defined period of performance. Please note multi-year terms require Board approval, unless renewable in one year increments and the Purchasing Agent approves the terms.)*



Department Head Signature

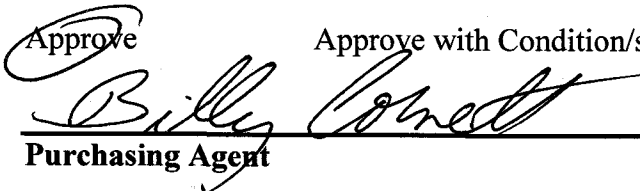
Date

Purchasing Department Comments:

Approve

Approve with Condition/s

Disapprove



Purchasing Agent

10-6-10

Date