

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

951



FROM: Stanley Sniff, Sheriff - Coroner - PA

SUBMITTAL DATE:
November 5, 2010

SUBJECT: Acceptance of a FY2010 Technology Grant Award from the U.S. Department of Justice, Office of Community Oriented Policing Services (COPS)

RECOMMENDED MOTION: Move that the Board of Supervisors:

1. Accept a grant award in the amount of \$700,000 from the U.S. Department of Justice, Office of Community Oriented Policing Services (COPS), and authorize the Sheriff and the Chairperson to sign the award Agreement on behalf of the Board.
2. Authorize the Sheriff or his designee to administer the grant, sign payment requests, progress reports, modifications and amendments on behalf of the county.
3. Approve LMS Defense Inc. as a Sole Source vendor to provide 42 Night Vision Binoculars with multi-function lasers and ballistic mounts, for an amount not to exceed \$690,000, without securing competitive bids, in accordance with Ordinance 459.4.

FISCAL PROCEDURES APPROVED
ROBERT E. BYRD, AUDITOR-CONTROLLER

BY: Samuel Wong 12/2/10
SAMUEL WONG

For Colleen Walker
Stanley L. Sniff, Jr., Sheriff - Coroner - PA
Colleen Walker, Undersheriff

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 700,000	In Current Year Budget:	No
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	Yes
	Annual Net County Cost:	\$ 0	For Fiscal Year:	2010/ 2011

SOURCE OF FUNDS: 100% Federal Funds BR# 11-037	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input checked="" type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE
Robert Tremaine
BY: Robert Tremaine
Robert Tremaine

County Executive Office Signature

FORM APPROVED COUNTY COUNSEL
BY: NEAL R. KIPNIS DATE: 12/2/10
Purchasing: Mark Seiler, Assistant Director
Departmental Concurrence:

Consent Policy
 Consent Policy

Dept's Recomm.:
Per Exec. Ofc.:

Prev. Agn. Ref: None **District:** ALL **Agenda Number:**

ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD

3.47

4. Approve and direct the Auditor-Controller to make the budget adjustments on the attached Schedule A.

BACKGROUND:

The Sheriff has received notification that the Department was awarded an earmarked grant for technology to support law enforcement. The grant period is October 1, 2010 through September 30, 2013. No local fund match is required. The grant documents have been approved as to form by County Counsel.

The grant funds will be used to purchase the latest generation in night vision equipment/ballistic mounts (binoculars) and infrared light source/aiming devices for the Sheriff's Special Enforcement Bureau – Emergency Services Team (S.E.B. - E.S.T.).

The integrated unit of night vision/ballistic mounts provides a stabilized hands-free capability to effectively see and operate in low-light conditions. With this technology the Emergency Services Team will be able to provide effective tactical intervention if necessary, regardless of lighting conditions. This night vision equipment is projected to enhance the safety of the public during these operations. Suspect apprehension by S.E.B. - E.S.T. personnel is projected to also significantly increase.

The Sheriff's Department is proposing that LMS Defense be awarded a sole source contract to supply 42 units of this night vision equipment for the following reasons:

LMS Defense has customized the multi-function green colored laser manufactured by Laser Devices, Inc. LMS has designed a larger aperture and the cone and optical output of the infrared laser illuminator for the only green laser on the market. Based on the Sheriff's requirement, LMS requested that Laser Devices add a military standard hardcoat anodized aluminum laser tube housing, allowing for over twice the service life of a plastic tube. The green colored laser and larger laser aperture have been identified for ease of visibility while deputies operate in a chemical, biological, radiological, nuclear, and explosive environment.

LMS has paired military grade night vision binoculars manufactured for domestic law enforcement sales by Summit NVG LLC with an image intensifier manufactured by L-3 Communications. The image intensifier is shielded from electro-magnetic impulses such as those found around weapons of mass destruction, in computer server rooms, buildings with motion sensor alarms, methamphetamine labs and hospitals. The military-standard intensifier is only available to the non-military market through Summit NVG and LMS Defense.

Summit NVG has submitted a letter to the Sheriff's Department which identifies LMS Defense as the sole authorized systems integrator and distributor for the Summit Night Vision goggles with the L-3 Communications image intensifier. In

Acceptance of the COPS Technology Grant Award from the U.S. Department of Justice

BR11-037

Page 3

In addition, Summit NVG has certified LMS as its sole authorized training provider for this equipment.

LMS is offering a three-year all inclusive warranty, the longest currently offered in the industry.

Price Reasonableness

The LMS quote reflects pricing offered to the Federal Government; the lowest pricing LMS offers.

Schedule A

Increase Appropriations:

10000-2500300000-546160 Equipment - Other \$ 700,000

\$ 700,000

Increase Estimated Revenues:

10000-2500300000-767220 Fed- Other Operating Grants \$ 700,000

Date: 11/22/10
From: Sgt. Michael Walsh Department/Agency: Sheriff /SEB
To: Board of Supervisors
Via: Purchasing Agent
Subject: Sole Source Procurement; Request for LMS Defense

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:

Night Vision Binoculars, Multi-Function Laser, and Ballistic Mounts.

Supplier being requested: LMS Defense.

Alternative suppliers that can or might be able to provide supply/service: None. LMS Defense has procured three pieces of equipment as a sole distributor and customized them per the specifications of the Sheriff's Emergency Services Team. In addition, LMS Defense is the sole factory certified safety and operational training provider for the equipment.

Extent of market search conducted: The equipment identified has been deemed the most functional and compatible in the Special Weapons and Tactics (SWAT) field. Other similar products were tested and evaluated, but did not meet the specification required for the Sheriff's Emergency Services Team. The primary deficiency with the other products was the smaller aperture (produced laser beam of light). LMS Defense is the only vendor that produces a large laser light source, which in return provides for more visibility in a darkened environment.

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

1. The vendor has customized the multi-function green colored laser manufactured by Laser Devices, Inc. LMS designed a larger aperture and the cone and optical output of the infrared laser illuminator for the only green laser on the market. Based on the Sheriff's requirement, LMS requested that Laser Devices add a military standard hardcoat anodized aluminum laser tube housing, allowing for over twice the service life of a plastic tube. The green colored laser and larger laser aperture have been identified for ease of visibility while deputies operate in a chemical, biological, radiological, nuclear, and explosive environment.

2. LMS has paired military grade night vision binoculars manufactured for domestic law enforcement sales by Summit NVG LLC with an image intensifier manufactured by L-3 Communications. The image intensifier is shielded from electro-magnetic impulses such as those found around weapons of mass destruction, in computer server rooms, buildings with motion sensor alarms, methamphetamine labs and hospitals. The military-standard intensifier is only available to the non-military market through Summit NVG and LMS Defense.

Summit NVG has submitted a letter which identifies LMS Defense as the sole authorized systems integrator and distributor for the Summit Night Vision goggles with the L-3 Communications image intensifier. In addition, Summit NVG has certified LMS as its sole authorized training provider (see the Summit NVG letter attached).

3. LMS has mounted the night vision equipment to a bullet resistant helmet with a bracket to facilitate hands-free use. The ballistic mounts are specific to the night vision equipment for proper eye relief and to maximize the effectiveness of the goggle.

4. LMS is offering a three-year all inclusive warranty, the longest currently offered in the industry.

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

This equipment will enable members of the SWAT Team to operate in any tactical situation to include terrorist events and basic SWAT operations. It affords operators the ability to function under low-light and no-light conditions creating a safer environment for Deputies and the general public.

Price Reasonableness:

The vendor's quote is at the Federal Government pricing; this is the best rate offered.

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

No.

Department Head Signature

Date

Purchasing Department Comments:

Approve

Approve with Condition/s

Disapprove


Purchasing Agent

12-2-10

Date



**U. S. Department of Justice
Community Oriented Policing Services
Grants Administration Division
Law Enforcement Technology
Treasury Account Symbol (TAS) 15X0406**

Grant #: 2010CKWX0145

ORI #: CA03300

Applicant Organization's Legal Name: Riverside County Sheriff's Department

OJP Vendor #: 956000932

DUNS#: 602410888

Law Enforcement Executive: Sheriff Stanley L. Sniff

Address: 4095 Lemon Street

P.O. Box 312

City, State, Zip Code: Riverside, CA 92502

Telephone: (951) 955-2400

Fax: (951) 955-2428

Government Executive: Chairperson Marion Ashley

Address: 4080 Lemon Street

5th Floor

City, State, Zip Code: Riverside, CA 92501

Telephone: (951) 955-1050

Fax: (951) 955-9030

Award Start Date: 12/16/2009

Award End Date: 12/15/2012

Award Amount: \$ 700,000.00

Bernard Melekian
Director

AUG 30 2010

Date

By signing this Award Document, the grantee agrees to abide by all 20 Grant Terms and Conditions on the reverse side of this document and the attached pages:

Signature of Law Enforcement Official with the Authority to Accept this Grant Award

Stanley L. Sniff, Sheriff

Typed Name and Title of Law Enforcement Official

Date

Signature of Government Official with the Authority to Accept this Grant Award

Marion Ashley, Chairperson

Typed Name and Title of Government Official

Date

False statements or claims made in connection with COPS grants may result in fines, imprisonment, debarment from participating in federal grants or contracts, and/or any remedy available by law to the Federal Government.

Award ID:
96558

FORM APPROVED COUNTY COUNSEL

BY NEAL R. KIPNIS

DATE 02/10

U.S. Department of Justice
Office of Community Oriented Policing Services
2010 Technology Program Grant Terms and Conditions

By signing the Award Document to accept this Technology Program grant, your agency agrees to abide by the following grant conditions:

1. The grantee agrees to comply with the terms and conditions in the 2010 COPS Technology Program Grant Owner's Manual; COPS statute (42 U.S.C. §. 3796dd, et seq.); 28 C.F.R. Part 66 or 28 C.F.R. Part 70 as applicable (governing administrative requirements for grants and cooperative agreements); 2 C.F.R. Part 225 (OMB Circular A-87), 2 C.F.R. Part 220 (OMB Circular A-21), 2 C.F.R. Part 230 (OMB Circular A-122) and 48 C.F.R. Part 31.000 et seq. (FAR 31.2) as applicable (governing cost principles); OMB Circular A-133 (governing audits); representations made in the COPS Technology Program grant application; and all other applicable program requirements, laws, orders, regulations, or circulars.
2. The grantee acknowledges its agreement to comply with the Assurances and Certifications forms that were signed as part of its Technology Program application.
3. The funding under this project is for the payment of approved costs for the continued development of technologies and automated systems to assist state, local, and tribal law enforcement agencies in investigating, responding to, and preventing crime. The allowable costs for which your agency's grant has been approved are limited to those listed on the Financial Clearance Memorandum, which is included in your agency's award package.

The Financial Clearance Memorandum specifies the costs that your agency is allowed to fund with your Technology grant. It also describes any costs which have been disallowed after review of your proposed budget. **Your agency may not use Technology grant funds for any costs that are not identified as allowable in the Financial Clearance Memorandum.**

4. Travel costs for transportation, lodging and subsistence, and related items are allowable under the Technology Program with prior approval from the COPS Office. Payment for allowable travel costs will be in accordance with 2 C.F.R. Part 225 (OMB Circular A-87, Cost Principles for State, Local, and Indian Tribal Governments), 2 C.F.R. Part 220 (OMB Circular A-21, Cost Principles for Educational Institutions), 2 C.F.R. Part 230 (OMB Circular A-122, Cost Principles for Non-Profit Organizations), and 48 C.F.R. Part 31.000, et seq. (FAR-31.2, Cost Principles for Commercial Organizations), as applicable.

5. When procuring information-sharing services, hardware, software, or other equipment, the grantee agrees to procure and implement those items in accordance with the applicable standards outlined in the terms and conditions of the Grant Owner's Manual.

6. State, local, and tribal governments must use Technology Program grant funds to supplement, and not supplant, state, local, or Bureau of Indian Affairs (BIA) funds that are already committed or otherwise would have been committed for grant purposes (hiring, training, purchases, and/or activities) during the grant period. In other words, grantees may not use COPS funds to supplant (replace) state, local, or Bureau of Indian Affairs funds that would have been dedicated to the COPS-funded item(s) in the absence of the COPS grant.

7. Your agency may request an extension of the grant award period to receive additional time to implement your grant program. Such extensions do not provide additional funding. Only those grantees that can provide a reasonable justification for delays will be granted no-cost extensions. **Extension requests must be received prior to the end date of the award. Any extension requests received after an award has expired will be approved only under very limited circumstances.**

8. Occasionally, a change in an agency's fiscal or law enforcement situation necessitates a change in its Technology Program award. Grant modifications under the Technology Program are evaluated on a case-by-case basis. All modification requests involving the purchase of new budget items must be approved, in writing, by the COPS Office prior to their implementation. In addition, please be aware that the COPS Office will not approve any modification request that results in an increase of federal funds.

9. The COPS Office may conduct monitoring or sponsor national evaluations of the COPS Technology Program. The grantee agrees to cooperate with the monitors and evaluators.

10. To assist the COPS Office in the monitoring of your award, your agency will be responsible for submitting periodic programmatic progress reports and quarterly financial reports.

11. Federal law requires that law enforcement agencies receiving federal funding from the COPS Office must be monitored to ensure compliance with their grant conditions and other applicable statutory regulations. The COPS Office is also interested in tracking the progress of our programs and the advancement of community policing. Both aspects of grant implementation—compliance and programmatic benefits—are part of the monitoring process coordinated by the U.S. Department of Justice. Grant monitoring activities conducted by the COPS Office include site visits, office-based grant reviews, alleged noncompliance reviews, financial and programmatic reporting, and audit resolution. As a COPS Technology grantee, you agree to cooperate with and respond to any requests for information pertaining to your grant.

12. All recipients of funding from the COPS Office must comply with the federal regulations pertaining to the development and implementation of an Equal Employment Opportunity Plan (28 C.F.R. Part 42 subpart E).

13. Grantees using Technology Program funds to operate an interjurisdictional criminal intelligence system must comply with operating principles of 28 C.F.R. Part 23. The grantee acknowledges that it has completed, signed and submitted with its grant application the relevant Special Condition certifying its compliance with 28 C.F.R. Part 23.

14. Grantees who have been awarded funding for the procurement of an item (or group of items) or service in excess of \$100,000 and who plan to seek approval for use of a noncompetitive procurement process must provide a written sole source justification to the COPS Office for approval prior to obligating, expending, or drawing down grant funds for that item.

15. The grantee agrees to submit one copy of all reports and proposed publications resulting from this grant 20 days prior to public release. Any publications (including written, software, visual, or sound, but excluding press releases, newsletters, and issue analyses), whether published at the recipient's or government's expense, shall contain the following statement: "This project was supported by Grant # _____, awarded by the U.S. Department of Justice, Office of Community Oriented Policing Services. The opinions contained herein are those of the author(s) and do not necessarily represent the official position or policies of the U.S. Department of Justice. References to specific companies, products, or services should not be considered an endorsement by the author(s) or the U.S. Department of Justice. Rather, the references are illustrations to supplement discussion of the issues."

16. The grantee agrees to complete and keep on file, as appropriate, a Bureau of Citizenship and Immigration Services Employment Eligibility Verification Form (I-9). This form is to be used by recipients of federal funds to verify that persons are eligible to work in the United States.

17. To facilitate communication among local and state governmental agencies regarding various information technology projects, the grantee agrees to notify the appropriate State Information Technology Point of Contact of the receipt of this grant award. For a list of State Information Technology Points of Contact, visit <http://www.it.ojp.gov/default.aspx?area=policyAndPractice&page=1046>.

U.S. Department of Justice
Office of Community Oriented Policing Services
2010 Technology Program Grant Terms and Conditions

18. The grantee agrees to comply with 28 C.F.R. Part 61 (Procedures for Implementing the National Environmental Policy Act).

19. False statements or claims made in connection with COPS grants may result in fines, imprisonment, or debarment from participating in federal grants or contracts, and/or any other remedy available by law.

20. The recipient agrees to comply with any additional requirements that may be imposed during the grant performance period if the awarding agency determines that the recipient is a high-risk grantee (28 C.F.R. Parts 66 and 70).