

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

402



SUBMITTAL DATE:
04/22/14

FROM: Sheriff's Department

SUBJECT: Approval of a Five-Year Purchase Order, with only one responsive bid received, with Professional Police Supply dba Adamson Police to Provide PepperBall Projectiles and Supplies for the Sheriff's Department, All Districts. [\$225,000 – 100% General Fund]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve and authorize the Purchasing Agent to issue a Purchase Order to Professional Police Supply dba Adamson Police, in the annual amount of \$45,000 for five (5) years, renewable in one (1) year increments; and
2. Authorize the Purchasing Agent, in accordance with Ordinance 459.4, to renew the Purchase Order and increase the compensation amount annually, providing it does not exceed the CPI index, based on the availability of funding.

BACKGROUND:

Summary

PepperBall projectiles are fragile spheres which break upon impact and release a powdered chemical that irritates the eyes, throat, and nose. These projectiles provide Sheriff's personnel a less than lethal means for training and controlling crowds in a hostile environment. The use of the product reduces the Department's exposure to civil liability and litigation.

(Continued on page 2)

Stanley L. Sniff Jr.
Stanley L. Sniff Jr.
Sheriff-Coroner-PA

Will Taylor, Dir. of Administration

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ 45,000	\$ 45,000	\$ 225,000	\$ 0	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$ 45,000	\$ 45,000	\$ 225,000	\$ 0	

SOURCE OF FUNDS: General Fund	Budget Adjustment: No
	For Fiscal Year: 13/14-18/19

C.E.O. RECOMMENDATION: APPROVE

BY: *Elizabeth J. Olson*
Elizabeth J. Olson

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

FISCAL PROCEDURES APPROVED
PAUL ANGULO, CPA, AUDITOR-CONTROLLER
BY: *Esteban Hernandez*

Departmental Concurrence

Purchasing: *Mark Seiler*
Mark Seiler, Assistant Director

- A-30
- 4/5 Vote
- Positions Added
- Change Order

Prev. Agn. Ref.:

District: All

Agenda Number:

3-24

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

FORM 11: Approval of a Five-Year Purchase Order, with only one responsive bid received, with Professional Police Supply dba Adamson Police to Provide PepperBall Projectiles and Supplies for the Sheriff's Department, All Districts. [\$225,000 – 100% General Fund]

DATE: 04/22/14

PAGE: 2 of 2 (BR 14-075)

Impact on Citizens and Businesses

PepperBall projectiles provide Sheriff's personnel a less than lethal means for training and controlling crowds in a hostile environment. The use of the product reduces the Department's exposure to civil liability and litigation.

Contract History and Price Reasonableness

Sheriff's Purchasing released a Request For Quotes, RFQ# SHARC-192, through a posting on publicpurchasing.com. County Purchasing records show that eight (8) companies downloaded and received a copy of the RFQ: Professional Police Supply, Real Action Paintball, Clyde Armory, Inc., Epublic, L.N. Curtis & Son, DirectGov Source, Less Lethal and Deltek.

In response to the Request, only two vendors provided pricing: Professional Police Supply dba Adamson Police (distributor of PepperBall Technologies's products) and Real Action Paintball. Although Real Action Paintball was the lowest bidder, the vendor was disqualified per Court Order 1:12-CV-296-JVB dated August 16, 2013. The United States District Court for the Northern District of Indiana entered a preliminary injunction against Real Action Paintball Inc., barring it from producing, selling, or shipping any projectiles filled with irritant causing powder that bear the likeness of the projectiles manufactured and sold by PepperBall Technologies. Real Action Paintball Inc. was producing and selling PepperBall Technologies products without the company's consent. Consequently, Adamson Police was left as the only responsive responsible bidder.

The pricing that Adamson Police has provided the Department is approximately 10% less than the pricing they advertise on their website. On many of the items, the vendor has consistently maintained this discounted pricing for the last three years. The Adamson Police PepperBall projectile price list is attached below.

	Item Description	Unit	Adamson Police
1	PC3-R, Red Hot Pepper Powder Projectile	375/ Container	\$ 560.62
2	PP-R10X, Hot Pava Powder Projectile	375/ Container	\$ 1,114.83
3	PC3-R375, Inert Projectile	375/ Container	\$ 247.50
4	PP-GS, Glass Breaker Projectile	100/ Container	\$ 218.00
5	PP-DM375, Marking Projectile	375/ Container	\$ 247.50
6	PS-W375, Clear Inert Liquid - Water Projectile	375/ Container	\$ 247.50

The purchase order will be issued upon Board approval and extend through 6/30/19, providing increases in annual expenditures do not exceed those of the CPI index, and the Department has available funding.

Date: April 21, 2014
From: Will Taylor, Director of Finance Department/Agency: Sheriff Department
To: Board of Supervisors
Via: Purchasing Agent
Subject: Single Source Procurement; Request for PepperBall projectiles and supplies

The below information is provided in support of my Department requesting approval for a single 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.


1. **Supply/Service being requested:** Purchase PepperBall projectiles and supplies.
2. **Supplier being requested:** Professional Police Supply (dba Adamson Police)
3. **Alternative suppliers that can or might be able to provide supply/service:** Sheriff's Purchasing released a request for quote, RFQ# SHARC-192, through a posting on publicpurchasing.com. County Purchasing records show that eight (8) companies downloaded and received a copy of the RFQ: Professional Police Supply, Real Action Paintball, Clyde Armory, Inc., Erepublic, L.N. Curtis & Son, DirectGov Source, Less Lethal and Deltek.

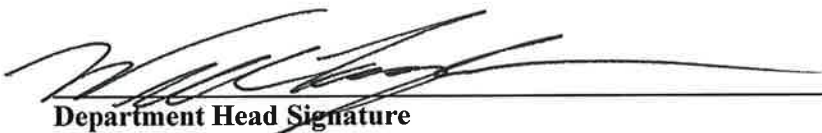
As a result of the bidding process only two vendors responded and provided pricing: Adamson Police (distributor of PepperBall Technology products) and Real Action Paintball (RAP4). Although Real Action Paintball submitted a quote and was the lowest bidder, Sheriff's Purchasing had to disqualify this vendor for the following reason. Per Court Order 1:12-CV-296-JVB dated August 16, 2013, Real Action Paintball Inc (RAVP4) is barred from producing, selling, or shipping any projectiles filled with irritant causing powder that bear the likeness of the projectiles manufactured and sold by PepperBall Technology. Real Action Paintball Inc. was producing and selling PepperBall Technology Products without consent. Consequently, Adamson Police was left as the only responsive responsible bidder.

4. **Extent of market search conducted:** Formal bid (SHARC-192) was conducted
5. **Unique features of the supply/service being requested from this supplier, which no alternative supplier can provide:** Advanced Tactical Ordnance Systems LLC (PepperBall Technology) holds the patent to the irritant causing powder provided in their projectiles. Adamson Police is the only distributor approved by Advanced Tactical Ordnance Systems LLC ("PepperBall Technologies") to supply PepperBall product throughout California. Also due to liability issues, the manufacturer will void all warranties carried on their launchers if another vendor's product is used.
6. **Reasons why my department requires these unique features and what benefit will accrue to the county:** PepperBall projectiles are fragile spheres which break upon impact and release a powdered chemical that irritates the eyes, throat, and nose. PepperBall projectiles provide Sheriff's personnel a less than lethal means for training and controlling crowds in a hostile event. The use of the product reduces the Department's exposure to civil liability and litigation. These unique features ensure the safety of Sheriff's personnel and our citizens.
7. **Price Reasonableness including purchase price and any ongoing maintenance or ancillary costs from the supplier:** The pricing that Adamson Police provided the Department is approximately 10% less than the pricing they advertised on their website. On many of the items, the vendor has been consistent and maintained the discounted pricing for the last three years.

	Item Description	Unit	Adamson Police
1	PC3-R, Red Hot Pepper Powder Projectile	375/ Container	\$ 560.62
2	PP-R10X, Hot Pava Powder Projectile	375/ Container	\$ 1,114.83
3	PC3-R375, Inert Projectile	375/ Container	\$ 247.50
4	PP-GS, Glass Breaker Projectile	100/ Container	\$ 218.00
5	PP-DM375, Marking Projectile	375/ Container	\$ 247.50
6	PS-W375, Clear Inert Liquid - Water Projectile	375/ Container	\$ 247.50

8. Does moving forward on this product or service further obligate the county to future similar contractual arrangements or any ongoing costs affiliated with this sole source? No
9. **Period of Performance:** Request for a one year agreement, with the option to renew annually for four (4) additional years not to exceed the cost of \$45,000 per year.



 Chief Deputy Signature 4-21-14
 Date


 Department Head Signature 4-21-14
 Date

Purchasing Department Comments:

Approve Approve with Condition/s Disapprove

Not to exceed: \$ 45000 One time Annual Amount through 6-30-2019


 Purchasing Agent 4-22-14 14-471
 Date Approval Number
 (Reference on Purchasing Documents)