

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

641



SUBMITTAL DATE:
05/17/2016

FROM: Sheriff-Coroner-PA

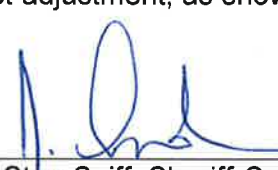
SUBJECT: Approve the Purchase of one Ballistic Engineered Armored Response Counter Attack Truck (BEARCAT) for the Sheriff's Department, without obtaining competitive bids, District All. [\$299,917]; 100% Asset Forfeiture Adjudicated Sub Fund

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve and authorize the Purchasing Agent to issue a purchase order for one (1) Ballistic Engineered Armored Response Counter Attack Truck (BEARCAT) with LENCO Industries without obtaining competitive bids, for \$299,917; and,
2. Authorize Purchasing Agent, in accordance with Ordinance No. 459, based on the availability of fiscal funding, to authorize changes to the scope of the services/work that do not change the substantive terms of the purchase order, including the compensation provision that do not exceed 10%; and,
3. Approve and direct the Auditor Controller to make the budget adjustment, as shown on Schedule A attached.

BACKGROUND:

Summary


 Stan Sniff, Sheriff-Coroner-PA
 John Anderson, Chief Deputy

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ 0	\$ 299,917	\$ 299,917	\$ 0	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0	
SOURCE OF FUNDS: Asset Forfeiture Adjudicated Sub Fund – 100%				Budget Adjustment: Yes	
				For Fiscal Year: FY16/17	

C.E.O. RECOMMENDATION:

APPROVE

County Executive Office Signature BY: 
 Elizabeth J. Olson

MINUTES OF THE BOARD OF SUPERVISORS

FISCAL PROCEDURES APPROVED
 PAUL ANGULO, CPA, AUDITOR-CONTROLLER
 BY:  Susana Garcia-Bocanegra
 Departmental Concurrence
 Lisa Brandl, Director
 PURCHASING & FLEET SERVICES:  Lisa Brandl

- A-30
- Positions Added
- 4/5 Vote
- Change Order
- Preval. Agn. Ref.:

District: All Agenda Number:

**SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
FORM 11: Approve the Purchase of one Ballistic Engineered Armored Response Counter Attack
Truck (BEARCAT) for the Sheriff's Department, without obtaining competitive bids, District All.
[\$299,917 – Asset Forfeiture Adjudicated Sub Fund – 100%]
DATE: 05/17/2016
PAGE: 2 of 4 (BR-16-037)**

BACKGROUND:

Summary (continued)

The Riverside County Sheriff's Department's armored vehicle fleet was established in 2001 when it acquired a retired United States military vehicle known as a Peacekeeper. The Peacekeeper, manufactured in 1984, was acquired by the Department through military surplus. In 2005, three additional armored vehicles were purchased, two BEARCATS and one BULLDOG, bringing the total fleet of armored vehicles to four.

By 2012, County mechanics deemed the Peacekeeper vehicle no longer safe or repairable, and it was removed from service. This reduced the armored vehicle fleet by 25%. The Sheriff's Department's armored vehicle fleet has since remained at three vehicles, including two BEARCATS used as rescue vehicles and one BULLDOG used for armored transport of personnel. These three vehicles are relied upon and driven to all of Riverside County Sheriff's SWAT operations and have seen extensive use over the past ten years.

Over the past eighteen months, the three remaining armored vehicles have been sent in for repair twenty-seven times. Some of the repairs were extensive and took the vehicle out of service for lengthy periods of time. A review of the service and repair reports for the vehicles, to date, indicates the vehicle down time due to maintenance or repair can range from a day or two for minor repairs and scheduled maintenance service, to nearly two months or more for major repairs or engine rebuilds. Most of the vehicle maintenance and minor repairs are completed by Riverside County Fleet Services, but major repairs and engine rebuilds for the vehicles are completed by a local Ford authorized commercial fleet service center, which causes additional vehicle down time. As the three remaining vehicles continue to age, the wear and tear on the vehicles will continue and the need for on-going maintenance service and unanticipated repairs will increase. Factors such as high mileage and chassis wear due to the extreme weight of the armor will also increase the frequency of needed vehicle repair or service.

As the frequency of major repairs and maintenance service increases, the frequency and length of the vehicles being out of service due to repairs/maintenance also increases. The additional unavailability of the vehicles due to maintenance and unanticipated repair down time will cause significant safety gaps for the Riverside County Sheriff's Department and its ability to be properly equipped to handle its traditional law enforcement role or respond to the ever increasing threat of terrorist based events within our communities. The addition of the requested BEARCAT will minimize, if not eliminate, the possibility of SWAT being unable to properly provide the level of tactical intervention and/or support in a critical incident due to its armored vehicles being out of service for repair or maintenance service.

This mission of SWAT is to save lives. To save lives, SWAT uses armored vehicles like the BEARCAT as rescue vehicles, and in addition to transporting victims from hot zones, they provide safety for medical personnel treating victims inside the hot zone. The BEARCAT provides a safe position for crisis negotiators; a safe ability to deliver equipment, supplies and food/water during high risk operations. Armored vehicles also serve as a visual deterrent to de-escalate high risk operations.

Impact on Residents and Businesses

With the purchase of the armored vehicle, it will aid law enforcement in resolving high-risk events and provides a significant safety barrier for officers and civilians. There will be no negative impact on the budget, as payment for this vehicle will come from the Asset Forfeiture Sub Fund.

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Contract History and Price Reasonableness

Lenco Armored Vehicles is the only manufacturer, distributor, authorized dealer and supplier of armored SWAT vehicles used in civilian law enforcement. Two other vendors were contacted, Vavistar Defense and Terradyne Inc. Both vendors do not manufacture a compact size vehicle, which is essential to maneuver through city streets and traffic. Also, Lenco products exceed the Department of State Level "E" ballistic specifications.

The purchase of the BEARCAT 4WD with level E ballistic armor is \$198,793. The cost for additional options including; diesel engine, intercom system, tire upgrade, military style cupola, ballistic windows, extreme heat reducing insulation, and sound reduction is \$65,482. The total purchase amount including tax and shipping is \$299,917. Lenco offers County pricing from their GSA Federal Contract No. GS07F0390M, which includes the discount amount of \$11,839. The Board of Supervisors has previously approved the purchase of two BEARCATS (03/14/06 3.22).

ATTACHMENTS:

Schedule A

SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
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PAGE: 4 of 4 (BR-16-037)

Schedule A

Increase Appropriation:

10000-25003000000-528920	Car Pool Expense	\$299,917
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Memo Line Only:

11042-25003000000-321140	Asset Forfeiture – Adjudicated	\$299,917
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Increase Appropriations:

45300-73005000000-546380	Vehicle – other	\$299,917
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Increase Estimated Revenue:

45300-73005000000-777620	Vehicle Cost Recovery	\$299,917
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Date: October 8, 2015
From: Will Taylor, Director of Administration
To: Board of Supervisors/Purchasing Agent
Via: Lt. Mark Krikava, 951-922-7670
Subject: Sole Source Procurement; Request to Purchase One Lenco BearCat Armored Vehicle

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

1. **Supplier being requested:** Lenco Armored Vehicles
2. **Vendor ID:** 59395
3. **Supply/Service being requested:** Request to purchase one tactical armored vehicle.
4. **Alternative suppliers that can or might be able to provide supply/service and extent of market search conducted:** Lenco Armored Vehicles are the only manufacturer, distributor, authorized dealer or supplier of an armored SWAT truck or its equivalent that is used in civilian law enforcement operations and environment. Its compact size provides a better method to maneuver through city streets and traffic.

Two other vendors were contacted, but their vehicles do not meet the Department's operational requirement. Vavistar Defense offers the Mine-Resistant Ambush Protected (MRAP) Assault Vehicle that is designed to withstand gunfire and explosives. The MRAP is a very large ballistic troop carrier designed for the U.S. military, and is not practical for SWAT or civilian law enforcement operations. Terradyne, Inc. manufactures armored vehicles but these vehicles are primarily used as wide perimeter vehicles and are not equipped with the maneuverability of the Lenco armored vehicles and other features required.

5. **Unique features of the supply/service being requested from this supplier, which no alternative supplier can provide (if proprietary software or machinery, hardware, please provide a supporting letter from the manufacturer):** Lenco possesses and utilizes proprietary equipment and designs to manufacture and outfit their armored vehicles necessary to meet the Department's operational mission for public safety. These armored vehicles from Lenco have been through a tremendous amount of ballistic and blast testing to validate the armoring systems being deployed on these vehicles. They meet or exceed the Department of State Level "E" ballistic specifications. Lenco vehicles are the only armored vehicle manufactures regulated by the federal government and approved by the U.S. State Department to ensure quality of ballistic materials and safety features.

Some unique features offered by Lenco includes:

- A. Turning radius. The Lenco BearCat has a modified wheelbase and can turn within its own links. This feature provides the ability to maneuver within tight areas such as residential properties.

- B. Roof hatch. The Lenco BearCat is equipped with a ballistic roof hatch that opens and closes in zero gravity. Other manufacturer roof hatches are heavy and cumbersome and can be hazardous to personnel while operating.
- C. Gun ports. One-handed operating gun ports.
- D. One piece side walls. This feature and design minimizes ballistic gaps.
- E. Frame reinforcement. The frame of the BearCat is reinforced and armored. This feature allows the continual operation if the frame is hit by gunfire.

These features are essential in providing officer safety in the line of duty when encountering hostile environment during rescue missions.

6. Reasons why my department requires these unique features and what benefit will accrue to the county: The threat of gun violence does not have boundary limitations. Lenco's passive multi-hit armor system provides ballistic protection and built with military specification. With the use of the Lenco BearCat, law enforcement officers, crisis negotiators, and tactical medics can safely roll face-to-face with an active shooter or barricaded gunman. In the past, negotiators and medics remained outside the "hot zone," several blocks away. The Lenco BearCat creates a significant safety barrier to the public and provides law enforcement officers who are required to contain violent situations a layer of safety, while in harm's way.

The Board had previously approved the purchase of two BearCat (3.22 2/2006). This vehicle is the standard operating platform used by Riverside County SWAT, both operationally and in training.

7. Period of Performance: Request for a one time purchase

Is this an annually renewable contract? No Yes
 Is this a fixed-term agreement: No Yes

(A fixed-term agreement is set for a specific amount of time; it is not renewed annually. Ensure fixed-term agreements include a cancellation, non-appropriation of funds, or refund clause. If there is no clause(s) to that effect, than the agreement must be submitted to the Board for approval.)

8. Identify all costs for this requested purchase. If approval is for multiple years, ongoing costs must be identified below. If annual increases apply to ongoing costs such as CPI or other contract increases, provide the estimated annual cost for each consecutive year. If the annual increase may exceed the Purchasing Agent's authority, Board approval must be obtained. (Note: ongoing costs may include but are not limited to subscriptions, licenses, maintenance, support, etc.)

Description:	FY15/16	FY__	FY__	FY__	FY__	Total
One-time Costs:						
LENCO BearCat	\$198,793					
Options	\$65,482					
Shipping	\$14,500					
Tax (8%)	\$21,142					
Ongoing Costs:						
<i>(Insert description)</i>						
Total Costs	\$299,917					



Protecting Our Nation's Defenders™

July 17, 2015

Riverside County Sheriff's Office
Attn: David Kondrit
155 East Hayes St.
Banning, CA 92220

Re: Lenco Sole Source for the Lenco BearCat®

Dear Mr. Kondrit,

This letter is to inform you that Lenco Armored Vehicles is the Sole Source Manufacturer for the Lenco BearCat Armored SWAT Truck(s) or the equivalent.

- We employ secret and proprietary processes in the design and manufacture of the Lenco BearCat to provide superior ballistic performance at a lighter weight than any competitive vehicles.
We employ a patented, zero gravity counter balanced roof hatch system which enhances operator safety and security.
We have developed secret engineering processes to offer a turning radius of 17' 8", which is shorter than the overall length of the vehicle, thereby providing enhanced tactical maneuverability.
We employ secret and proprietary processes to modify the vehicle chassis to re-distribute the armor, chassis and occupant weights proportionately between the front & rear axles.
U.S. State Department Armor Level E designation. <See Attached>

We are the only manufacturer, distributor, authorized dealer or supplier of this product or its equivalent.

Sole Source References:

Table with 3 columns: Agency Name, Contact Name, and Phone Number. Includes St. Charles County Sheriff's, New York State Police, U.S. State Department, Illinois State Police, Los Angeles Police Dept., and New Jersey State Police.

Sincerely,

Handwritten signature of James J. Massery, Sales Manager

SWORN TO AND SUBSCRIBED BEFORE ME,
This 17th day of July, 2015



TIMOTHY D. MANGUN
NOTARY PUBLIC
Commonwealth of Massachusetts
My Commission Expires
October 8, 2021

TIMOTHY D. MANGUN
A NOTARY PUBLIC IN & FOR Commission Exp. 10/08/21
The State of Massachusetts/County of Berkshire

Designer and Manufacturer of Tactical Armored Security Vehicles
10 Betnr Industrial Drive · Pittsfield, MA 01201 · Tel (413) 443-7359 · Fax (413) 445-7865
www.LencoArmor.com · e-mail: Info@LencoArmor.com

JUSTIFICATION AND APPROVAL FOR OTHER THAN FULL AND OPEN COMPETITION FOR THE ACQUISITION OF A NAME BRAND PRODUCT

1. The Office of Acquisition Management is conducting this acquisition for 13 Armored Assault Vehicles, on behalf of the Bureau of Diplomatic Security, Defensive Equipment/Armored Vehicle Division (DS/PSP/DEAV).
2. **Nature and/or description of the action being approved.** Purchase 13 armored assault vehicles that meet or exceed the Department of State (DoS) Level "E" ballistic specifications.
3. **A description of the supplies or services required to meet the Department's needs.** DS/PSP/DEAV has a requirement to acquire 13 armored assault vehicles for immediate deployment to Iraq and Afghanistan for security details. These vehicles must be armored to meet or exceed DoS Level "E" ballistic specifications. These vehicles must also have an armored gun turret mounted in the roof area of the vehicle.

REQUIREMENTS

1. MRAP Assault Vehicle with the following options: Diesel engine, export compliance, four wheel drive, Hutchinson VFI run flat system, rear auxiliary AC/Heating, intercom system, radio prep package, military cupola, gun mount for 240/.50 with pedestal, advance BMI MRP gunners seat, floor jack 3.5 ton, MRAP upgrade package to include upgraded wheels and tires, and V-shaped hull, blast seats (8 seats).
2. MRAP Assault Vehicle with VIP package and the following options: Diesel engine, export compliance, Back up Camera System, electric power, heated mirrors, high capacity rear AC/heating system, high intensity driving lights, intercom system, radio prep package, run-flat tires, spare tire with run-flat, high gloss exterior paint, V-shaped hull, blast seat (6 seats), and emergency escape hatch.
3. MRAP Assault Vehicle with the following options: Diesel engine, export compliance, four wheel drive, Hutchinson VFI run flat system, rear auxiliary AC/Heating, intercom system, radio prep package, MEDEVAC (4) litter pkg., floor jack 3.5 ton, MRAP upgrade package to include upgraded wheels and tires, and V-shaped hull, blast seats (2).
4. FOB delivery to Springfield, VA.

5. **An identification of the statutory authority permitting other than full and open competition.** DS/IP/SPC/WMD requests that this purchase fall under the authority of 41 USC 253(c)(1), FAR 6.304 (a)(2) and 8.405-6 (b)(1) (USC 501), for the purchase of a name brand product manufactured by Lenco Armored Vehicles, who is the only manufacturer of the Lenco BearCat, product number BC55003, a commercial item in accordance with FAR Part 12.
6. **A demonstration that the proposed contractor's unique qualifications or the nature of the acquisition requires use of the authority cited.** Presently, the DoS IDIQ contracts do not have these types of assault vehicles as line items. However, Lenco has been producing this vehicle for local and state agencies for years. In addition, Lenco fully understands DoS ballistic specifications and their experience with various armor systems will expedite the delivery of these vehicles in Iraq and Afghanistan.
7. **A description of efforts made to ensure that offers are solicited from as many potential sources as is practicable.** A notice will be publicized in accordance with 5.102(a)(6) on or about September 13, 2010 on GSA eBuy.com.
8. **A determination by the Contracting Officer that the anticipated cost to the Government will be fair and reasonable.** Per FAR 8.404(d), supplies offered on the schedule are listed at fixed prices. GSA has already determined the prices of supplies under schedule contracts to be fair and reasonable. Therefore, ordering activities are not required to make a separate determination of fair and reasonable pricing.
9. **A description of the market survey conducted and the results or a statement of the reasons a market survey was not conducted.** DS via AQM has issued five (5) different IDIQ contracts for the procurement of armored vehicles and none of these vendors produce this type of armored vehicle. DS has in the past purchased the M1114 HUMVEE from DOD vendors to satisfy our requirement for ballistic Level E specifications with a turret on the roof. Unfortunately, the military M114 HUMVEE has been discontinued. The replacement vehicle for M1114 is being produced by American General Corporation and this new armored vehicle is limited to only carrying five (5) personnel. DS has a minimum requirement to carry at least six (6) personnel at one time. The Lenco Bearcat VIP is capable of carrying six (6) personnel and the Lenco Bearcat is capable of carrying up to eight (8) personnel plus a position for the gunner in the turret. During our review of this new armored vehicle for DOD, the cost is double to the present cost of a Lenco Bearcat.

- 10. Any other facts supporting the use of other than full and open competition.** The Lenco BearCat model contains highly specialized features which are specifically designed to accommodate our security operational needs in Iraq and Afghanistan and no other source can meet these requirements without substantial additional program costs and time, which will severely impact our mission. Lenco has developed and integrated mission critical applications and equipment essential to meeting our security goals in Iraq and Afghanistan. Lenco possesses and utilizes proprietary equipment and designs to manufacture and outfit these armored vehicles necessary for this mission and is the only known source that can meet the standardized logistic, training and program requirements for DS. These armored vehicles from Lenco have been through a tremendous amount of ballistic and blast testing to validate the armoring systems being deployed on these vehicles. These tests have been completed by the Department of Defense for the US Army and US Navy, H.P White Laboratory, an independent lab for numerous US Government Agencies and commercial armoring companies and the Department of State. By completing this order in a timely matter, DS will be able to ship these armored vehicles to Iraq and Afghanistan to support our security requirements and possibly save lives.
- 11. A listing of sources, if any, that expressed, in writing, an interest in the acquisition.** The Armored Group expressed an interest in writing in response to GSA eBuy posting #RFQ516305.
- 12. A statement of the actions, if any, the agency may take to remove or overcome any barriers to competition before any subsequent acquisition for the supplies or services required.** The barrier to full competition is the brand name specific requirements identified in paragraphs two (2) and three (3) above. Lenco Armored Vehicles is the only vendor that produces this type of vehicle and fully understands DOS and NIJ specifications for armoring these vehicles. At this time, the barrier cannot be removed unless there is a change in the operational needs identified by DS/PSP/DEAV contained herein. If operational needs or technological changes occur then this barrier may be lifted in the future. DS/PSP/DEAV and A/LM/AQM will continue to seek ways of removing any barriers to competition on future related acquisitions.

CERTIFICATIONS

I certify that this justification is accurate and contains complete data necessary to support the recommendation for other than full and open competition.

September 23, 2010

Date



Name: Ricky J. Motley
Title: AV Program Manager

Date

Name:
Title:

I certify that this submission is accurate, and that it contains complete information necessary to enable other officials to make an informed recommendation for approval or disapproval.

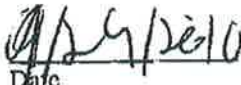
Date

Name:
Title:

APPROVALS

Contracting Activity Competition Advocate
(Required for actions exceeding \$550,000 but not exceeding \$11,500,000)

APPROVED BY:



Date



Name:
Title:



Protecting Our Nation's Defenders™

10 Betnr Industrial Drive – Pittsfield, MA 01201
 PH (413) 443-7359 – FAX (413) 445-7865

Quotation 12561A

Quotation Date: 04/13/16
 Tax ID #: 04-2719777

RILCA Riverside County Sheriff's Office 155 East Hays Street Banning, CA 92220	Estimated Completion Date: Approx. 270-300+ Days ARO	F.O.B.: Banning, CA	
	Payment Terms: <i>Lenco GSA Contract GS-07F-0390M 1122 Program</i> <i>Lenco Does Not Collect Tax or Register Vehicles with DMV</i>		Ship Via: Common Carrier
	Inspection & Acceptance: At Lenco Factory, Pittsfield, MA		
Terms and Conditions: Net 30 Days -- Transfer of Certificate of Origin Upon Receipt of Payment			
Item: Lenco BearCat (4WD, Rotating Hatch; Counter Balanced) US State Department Armor Level E	Product# BC55003	Commercial \$207,698.00	Net Price \$198,793.00
Options: Diesel Engine, 6.7L Turbo 4-Door Configuration (Rear Flip Seats Included) Military Style Cupola w/Ballistic Windows & Mechanical Turret System Back up Camera System with Monitor Intercom System; Inside to Outside 22.5" Tire and Wheel Upgrade AC-DC Power Inverter 3,600 Watt w/ Battery Charge Feature Rear Tow Hitch Receiver Rear A/C-Heating System: Auxiliary Extreme Heat Reducing Insulation & Sound Reduction Pkg	BCDLEN BC4DR BCMCUPOLA BCBU BCINT BCTWU BCPINV36 BCRTOWR BCAC BCEXHT	8,494.00 8,210.00 27,500.00 2,400.00 3,000.00 7,940.00 5,686.00 1,050.00 2,000.00 <u>2,136.00</u>	8,130.00 7,858.00 26,321.00 2,297.00 2,871.00 7,600.00 5,442.00 1,005.00 1,914.00 <u>2,044.00</u>
Net Savings \$11,839		\$276,114.00	\$264,275.00
		FOB Banning, CA	14,500.00
		Total Due Lenco for (1) BearCat, FOB Banning, CA	\$278,775.00
		Riverside County Tax 8% NOT COLLECTED by Lenco	21,142.00
		Total Cost to Riverside County Sheriff's Office	\$299,917.00
Specifications Subject to Change		PROPRIETARY	

WARNING: Information Subject to Export Control Laws

The technical data in this document is restricted by the Arms Export Control Act (Title 22, U.S.C., Sec 2751, et seq.) or the Export Administration Act of 1979, as amended, Title 50, U.S.C., App. 2401 et seq. and which may not be exported, released or disclosed to non-U.S. persons (i.e. persons who are not U.S. citizens or lawful permanent residents ["green card" holders]) inside or outside the United States, without first obtaining an export license. Violations of these export laws are subject to severe civil, criminal and administrative penalties.

THE WRITTEN APPROVAL OF THE DIRECTORATE OF US DEFENSE TRADE CONTROLS AND LENCO INDUSTRIES, INC. MUST BE OBTAINED BEFORE RESELLING, TRANSFERRING, TRANSSHIPPING, OR DISPOSING OF A DEFENSE ARTICLE TO ANY END USER, END USE OR DESTINATION OTHER THAN AS STATED ON THIS LENCO QUOTE OR THE SHIPPER'S EXPORT DECLARATION IN CASES WHERE AN EXEMPTION IS CLAIMED UNDER THIS SUBCHAPTER ITAR 123.9(A).

WE ARE PLEASED TO SUBMIT THE ABOVE QUOTATION FOR YOUR CONSIDERATION. SHOULD YOU PLACE AN ORDER, BE ASSURED IT WILL RECEIVE OUR PROMPT ATTENTION. THIS QUOTATION IS VALID FOR 30 DAYS. THEREAFTER, IT IS SUBJECT TO CHANGE WITHOUT NOTICE

ACCEPTANCE OF PROPOSAL — The above prices are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above

LENCO INDUSTRIES INC.

Authorized
Signature _____

Authorized
Signature _____

James J. Massery

 James J. Massery

Please sign and return

Thank You