

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF THE COUNTY OF SAN BERNARDINO
AND RECORD OF ACTION**

October 8, 2019

FROM

JOHN McMAHON, Sheriff/Coroner/Public Administrator

SUBJECT

Amendment to Contract with NEC Corporation of America for Maintenance of the CAL-ID Automated Fingerprint Identification System

RECOMMENDATION(S)

Approve **Amendment No. 1** to **Contract No. 18-874** with NEC Corporation of America, increasing the total amount by \$360,000, from \$360,000 to a not to exceed amount of \$720,000, and exercising the option to extend the term by one year, for a new total contract period from October 20, 2018 through October 19, 2020 for proprietary hardware maintenance and software support of CAL-ID's NEC Automated Fingerprint Identification System.
(Presenter: John Ades, Captain, 387-0640)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Operate in a Fiscally-Responsible and Business-Like Manner.

Provide for the Safety, Health and Social Service Needs of County Residents.

FINANCIAL IMPACT

Approval of this item will not result in the use of additional Discretionary General Funding (Net County Cost). The cost of the hardware and software maintenance services contract will be funded within the Sheriff/Coroner/Public Administrator's (Department) existing budget allocation. Sufficient appropriation is included in the Department's 2019-20 budget for the regional CAL-ID operating fund (7080008836). The regional CAL-ID fund is maintained by both San Bernardino and Riverside Counties' revenues from Court fines, Department of Motor Vehicle fees, and per capita assessments paid by member agencies.

BACKGROUND INFORMATION

In 1985, the California Department of Justice (CAL-DOJ) created a statewide fingerprint identification network known as CAL-ID, divided into eight regions, each using Automated Fingerprint Identification System (AFIS) to allow access to the State's fingerprint database and to provide fingerprint identification services to law enforcement agencies within each of those regions. In the same year, Riverside and San Bernardino counties joined to form and operate one of those regions which is governed, along with member cities, through the Remote Access Network (RAN) Board pursuant to Penal Code Section 11112.4.

The Riverside and San Bernardino CAL-ID AFIS is used to organize, store, analyze, and transmit fingerprint data to and from servers within other CAL-ID network participating agencies. For this network, CAL-DOJ wanted consistency throughout the state to provide all of the regions' AFIS with reciprocal connectivity and communications to the State CAL-ID database.

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Since the inception of the regional network, Riverside and San Bernardino counties have used NEC for all AFIS equipment, software, and maintenance needs. This has insured interoperability and integration, avoiding problems experienced by other regional networks that contracted with other vendors. By utilizing NEC's AFIS System, the regional network has also been able to better identify individuals by establishing Memoranda of Understanding for searching fingerprints with the Federal Bureau of Investigation, the Las Vegas Metropolitan Police Department, and the Western Identification Network which is comprised of the nine western states.

The Counties of San Bernardino and Riverside, along with member cities, jointly operate the CAL-ID AFIS. Using AFIS technology, fingerprints are captured electronically and are stored in the archive system. The Board of Supervisors (Board) has approved contracts with NEC for proprietary hardware maintenance and software support since 2005. Although NEC made a number of concessions to its terms and conditions to meet the County's requirements, the following non-standard language should be noted for consideration:

- NEC limits its liability, including consequential loss, lost profits, economic losses, special damages, and business interruption, but agreed to indemnify for third party claims up to policy limits with no other limitation.

While this is a notable exception to the County's standard contract language, the Department recommends approval of this agreement due to the beneficial nature of the AFIS system to the safety and health of County residents. The Department believes the benefits provided by the use of this equipment outweighs the risks listed above, and the parties have a long contractual history together.

PROCUREMENT

On December 2, 2014 (Item No. 38), the Board approved an agreement with NEC in the amount of \$4,058,683 to upgrade the AFIS, including equipment and licensed software, programming and installation services, and a one-year warranty. A Certificate of Final Acceptance was signed by the Department upon completion of this project on October 20, 2017, which initiated the one-year warranty of the upgraded system; this warranty expired on October 19, 2018.

On August 16, 2018, NEC provided its renewal contract proposal for the period of October 20, 2018 through October 19, 2019. Upon review by County Counsel, several revisions were requested to conform to County requirements. Due to the time-consuming process of coming to reasonable terms, the revised proposal was submitted to the Department and accepted on November 6, 2018; this item was approved by the Board on December 4, 2018 (Item No. 67).

NEC holds proprietary rights to its AFIS system. Either party may terminate the contract at any time upon ninety (90) days written notice.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Richard D. Luczak, Deputy County Counsel, 387-5455) on September 23, 2019; Purchasing Department (Michael Candelaria, Lead Buyer 387-2060) on September 23, 2019; Finance (Carolina Mendoza, Administrative Analyst, 387-0294) on September 20, 2019; and County Finance and Administration (Kelly Welty, Deputy Executive Officer, 387-5423) on September 23, 2019.

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Record of Action of the Board of Supervisors
County of San Bernardino

APPROVED (CONSENT CALENDAR)

Moved: Robert A. Lovingood Seconded: Janice Rutherford
Ayes: Robert A. Lovingood, Janice Rutherford, Dawn Rowe, Curt Hagman, Josie Gonzales

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: October 8, 2019



cc: Sheriff- Ades w/agree
Contractor C/o Sheriff w/agree
File- w/agree
vh 10/15/2019