

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

December 19, 2023

**FROM**

**SHANNON D. DICUS, Sheriff/Coroner/Public Administrator**

**SUBJECT**

Agreement with Tech5 USA, Inc. for Software Subscription and Upgrades

**RECOMMENDATION(S)**

1. Approve **Agreement No. 23-1387** with Tech5 USA, Inc., for upgrades to the existing LE Classic software application and annual subscription to LE 2.0 software, in a total aggregate amount not to exceed \$764,850, for a five-year period effective from the transition to live operation of the software, anticipated to be January 8, 2024.
2. Authorize the Sheriff/Coroner/Public Administrator or Undersheriff to execute change orders to the Agreement, as needed, subject to review by County Counsel, so long as the total aggregate amount of such change orders does not exceed \$76,485 (10%), and the change orders do not amend the Agreement term.
3. Direct the Sheriff/Coroner/Public Administrator or Undersheriff to transmit copies of all change orders to the Clerk of the Board of Supervisors within 30 days of execution.  
(Presenter: Ernie Perez, Deputy Chief, 387-3760)

**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 \$221,370 cost of Tech5 USA, Inc.'s (Tech5) software subscription and upgrades for the first year of the Agreement will be funded within the Sheriff/Coroner/Public Administrator's (Department) existing 2023-24 budget allocation (4430001000) and the annual \$135,870 amount will be included in future recommended budgets.

**BACKGROUND INFORMATION**

The Department's Technical Services Division (TSD) is responsible for all computer-related technology, data, and communications systems within the Department, and provides direct end-user support, ongoing maintenance, enhancements, and upgrades to departmental systems through four working groups: System Support/Development, Operations Infrastructure, Service Desk, and Administration. Advancements to law enforcement technology require that TSD continually enhance current systems to help improve investigative capabilities, provide secure data storage and accurate information in a timely manner.

In April 2023, the Department encountered a disruption in network connectivity resulting in service interruptions to the LE Classic system, a department-wide photo and identification card

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system for inmates, employees, concealed carry weapon permits, sex registrants, and volunteers. The system captures and stores photos and identification data and produces six-pack photo lineups, mug books and identification cards. Additionally, the system integrates with the Jail Information Management System Network, Livescan and Cal Photo to produce mug shot photos and data. The migration and upgrade to LE 2.0, a cloud-based software application enhanced with security features and scalability, will provide additional functionality and transfers responsibility for the stability of the application, including data back-up and restoration capabilities, from the Department to Tech5.

ImageWare Systems, Inc. (ImageWare), the developer of proprietary ImageWare software applications that includes the LE Classic System, originally implemented by the Department in 2001, was acquired by Tech5 on January 19, 2023.

Approval of Recommendation No. 1 will establish a five-year agreement with Tech5 to provide LE 2.0 annual software subscriptions and upgrades effective from the Department's transition to live operation of the software, anticipated to be January 8, 2024.

**PROCUREMENT**

On September 17, 2001 (Item No. 121), as a result of a competitive procurement process, the Board of Supervisors (Board) approved Contract No. 01-915 with ImageWare in the amount of \$1,266,538, for the provision of a photo imaging system for inmate and employee identification, for a one-year period effective on the date of functional acceptance completion, renewing automatically for four one-year periods, unless cancelled by either party.

On December 9, 2003 (Item No. 37), the Board approved Amendment No. 1 to Contract No. 01-915 with ImageWare, increasing the Contract by \$283,385.75, for a new total contract amount of \$1,549,923.89, for hardware and software maintenance services, for an additional three years, for the total contract term of September 18, 2001 through November 30, 2006.

On December 5, 2006 (Item No. 45), the Board approved a non-competitive purchase order issued to ImageWare for hardware and software maintenance services for the period of December 1, 2006 through November 30, 2007. Subsequently, the Board, and the County Purchasing Agent, have approved, and issued, purchase orders to ImageWare for maintenance services through November 30, 2023, the most recent being purchase order No. 4100265500.

As the new owner of the LE 2.0 software, Tech5 retains the proprietary and exclusive rights to provide annual software subscriptions, maintenance, and related professional services. The Purchasing Department concurs that a non-competitive justification of proprietary rights exists with Tech5 and LE 2.0 software.

County Policy No. 11-04 requires Board approval for all contracts for services that exceed \$200,000 in aggregate cost per scope of service, per vendor, per department.

**REVIEW BY OTHERS**

This item has been reviewed by County Counsel (Grace B. Parsons, Deputy County Counsel, 387-5455) on November 9, 2023; Purchasing (Michael Candelaria, Lead Buyer, 387-0321) on November 13, 2023; Finance (Erika Rodarte, Administrative Analyst, 387-4919) on November 27, 2023; and County Finance and Administration (Robert Saldana, Deputy Executive Officer, 387-5423) on December 1, 2023.

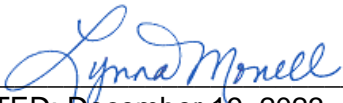
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Record of Action of the Board of Supervisors  
San Bernardino County

**APPROVED (CONSENT CALENDAR)**

Moved: Curt Hagman Seconded: Col. Paul Cook (Ret.)  
Ayes: Col. Paul Cook (Ret.), Jesse Armendarez, Dawn Rowe, Curt Hagman, Joe Baca, Jr.

Lynna Monell, CLERK OF THE BOARD

BY  \_\_\_\_\_  
DATED: December 19, 2023



cc: Sheriff - Welty w/agree  
Contractor - c/o Sheriff w/agree  
File - w/agree  
CCM 01/9/2024