

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

October 5, 2021

FROM

BRENDON BIGGS, Chief Flood Control Engineer, Flood Control District

SUBJECT

Contract with KORE Wireless, Inc. to Transmit Rain Gauge Data Via Satellite

RECOMMENDATION(S)

Acting as the governing body of the San Bernardino County Flood Control District, approve **Contract No. 21-754** with KORE Wireless, Inc. to transmit rain gauge data via satellite, in the estimated annual amount of \$12,000, for a term of two years, commencing October 5, 2021 with automatic renewals for three additional one-year terms.

(Presenter: Brendon Biggs, Chief Flood Control Engineer, 387-7906)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

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

FINANCIAL IMPACT

Approval of this item will not result in the use of Discretionary General Funding (Net County Cost). The San Bernardino County Flood Control District (District) is funded by property tax revenue, fee revenue, and other local, state, and federal funding. Sufficient appropriation and revenue, in the amount of \$12,000 is included in the District's 2021-22 (1970002510) budget to fund the annual cost of the service and an additional \$12,000 per year will be included in the District's 2022-23 recommended budget.

BACKGROUND INFORMATION

The District currently maintains an extensive hydrometeorological data program. The data for this program is captured through the use of a network of gauges placed throughout San Bernardino County. At present, the network consists of 188 gauges, with 39 of them utilizing a wireless connection via satellite to download the data.

Previously, the District downloaded data by way of a subscription with Time Critical Decisions, LLC (Time Critical). Time Critical informed the District that, after a 15-year working relationship, they would be closing their doors effective July 1, 2019, and therefore no longer able to provide the satellite service. The District utilizes the HydroLynx ALERT2 Iridium Satellite Data Communications Units, which are manufactured by HydroLynx Systems, Incorporated (HydroLynx). The data is processed through TriLynx Systems NovaStar5 ALERT2 Iridium Satellite Data Collection System, which is maintained by TriLynx Systems, LLC (TriLynx). HydroLynx informed the District that KORE Wireless, Inc. (KORE) is the only iridium satellite data services provider that is compatible with the HydroLynx and TriLynx systems. Subsequently, the District contacted KORE in regards to providing the satellite service.

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The proposed contract is KORE's modified standard commercial contract, which includes some terms that differ from the standard District contract and omits certain District standard contract terms. The non-standard and missing terms include the following:

1. The contract includes a provision for the payment of a late fee in the event that the monthly charges are not paid within 60 days.
 - a. Standard Term: The District standard contract does not require the payment of late fees.
 - b. Potential Impact: The District will provide a credit card for the automatic payment of the subscription service fees and hence the late payment provision will have no financial impact.
2. The contract does not require KORE to meet the District's insurance standards.
 - a. The District standard contract requires contractors to carry appropriate insurance at limits and under conditions determined by the District's Risk Management Department.
 - b. Potential Impact: The contract does not include District standard insurance requirements. This means that the District has no assurance that KORE will be financially responsible for claims that may arise from the District's use of the service, which could result in expenses to the District that exceed the total contract amount.
3. Except for KORE's indemnification obligations under the contract, which contain limitations and exceptions to KORE's indemnity obligations, KORE's total liability to the District for any claim arising under the contract is limited to the last two months of service payments.
 - a. The District standard contract does not include a limitation of liability.
 - b. Potential Impact: Claims would likely exceed the liability cap and the contract amount leaving the District financially liable for the excess for claims not covered by the contract indemnity provisions.

The District recommends approval of the contract, including the non-standard terms, to allow the District to obtain iridium satellite data services, compatible with the HydroLynx and TriLynx systems.

Approval of this item is consistent with the County and Chief Executive Officer goals and objectives to operate in a fiscally-responsible and business-like manner.

The initial term of the contract is two years from the date upon which the Board of Supervisors approves the contract and will renew automatically for three additional one-year terms. The entire term of the contract shall not exceed five years without a mutual written amendment signed by both parties.

PROCUREMENT

The contract is the result of a non-competitive procurement because KORE is the sole provider of the iridium satellite data services compatible with the District's current HydroLynx Systems

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ALERT2 Iridium Satellite Data Communications Units and the TriLynx Systems NovaStar5 ALERT2 Iridium Satellite Data Collection Systems. HydroLynx has provided the District with a letter affirming KORE's status as the sole provider of such services.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Sophie Akins, Deputy County Counsel, 387-5455) on August 27, 2021; Purchasing (Jason Cloninger, Lead Buyer, 387-8258) on August 27, 2021; Finance (Jessica Trillo, Administrative Analyst, 387-4222) on August 31, 2021; and County Finance and Administration (Matthew Erickson, County Chief Financial Officer, 387-5423) on September 7, 2021.

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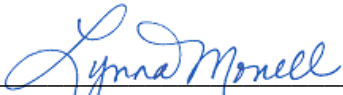
Record of Action of the Board of Supervisors
San Bernardino County Flood Control District

APPROVED (CONSENT CALENDAR)

Moved: Joe Baca, Jr. Seconded: Col. Paul Cook (Ret.)

Ayes: Col. Paul Cook (Ret.), Janice Rutherford, Dawn Rowe, Curt Hagman, Joe Baca, Jr.

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: October 5, 2021



cc: Flood - Fam w/agree
Contractor - C/O Flood w/agree
File - w/agree

CCM 10/12/2021