

Attachment 18

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Protest Response to L3Harris Technologies

COUNTY OF SANTA BARBARA
General Services Department

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June 1, 2021

Mr. Jason LaForge
Sr. Regional Manager – Southwest USA
L3Harris Technologies, Inc.
221 Jefferson Ridge Parkway
Lynchburg, VA 24502

Sent via email: Jason.LaForge@L3Harris.com

Dear Mr. LaForge:

This letter is to advise you of the Protest Resolution Committee's decision on the Notice of Appeal, dated January 12, 2021, filed by L3Harris Technologies, Inc. regarding the County of Santa Barbara's Public Safety Radio System Replacement Project (RFP # 810131). L3Harris submitted a protest dated December 30, 2020. In my capacity as Buyer and in accordance with the terms of the RFP, I denied the protest on January 5, 2021. L3Harris appealed this decision by submitting the Notice of Appeal. As discussed further below, this letter includes the Protest Resolution Committee's written decision regarding your Notice of Appeal. Please note that the County extended the time for responding to the Appeal for good cause.

After careful review of the items listed in your Notice of Appeal letter and after hearing and considering Oral Presentations from L3Harris Technologies, Inc. on March 23, 2021, the Protest Resolution Committee has reviewed the record of the procurement and vendor selection process and has determined that the replies to the RFP were properly evaluated in accordance with the processes and criteria set forth in the RFP. The attached exhibit is the Protest Resolution Committee's written response, which summarizes its review of the record and its resolution of the issues raised in the Appeal by L3Harris Technologies, Inc. As described in the RFP, the Committee's decision is the final decision of the County with respect to the Protest Appeal.

As indicated by the County's Notice of Intent to Award, the County evaluated all replies from interested vendors in accordance with the RFP and determined that the proposal from EF Johnson is the most advantageous to the County. The selection of EF Johnson and County's Notice of Intent to Award stands as evaluated.

Thank you for the time and effort you and your company expended in responding to our Request for Proposal, and during the Protest Process.

Sincerely,

Phung Loman

Phung Loman

Chief Procurement Officer

General Services Department

Purchasing Division

Copy

Protest Resolution Committee

Bill Burton – Motorola Solutions, Inc.

Tammie Massirer-Wojcieszak – EF Johnson

Exhibit – Written Decision of Protest Resolution Committee Regarding Protest Appeal Items from L3Harris Technologies, Inc.

1. Available Information

Protest from L3 Harris

L3Harris received a debriefing from the County and thanks the County for the information provided in the debriefing. However, L3Harris respectfully disagrees with the County position in the January 5, 2021 letter that a request for open records is not part of the protest process. As noted in the L3Harris December 30th Protest, L3Harris received high scores in several categories (Proposed System Design, Proposed Team Qualifications and Financial Stability) and then conversely received low scores in three categories (Compliance Matrix, Interviews and Overall Response). L3Harris understands that the County had some questions about the L3Harris technical design and how L3Harris addressed the channel capacity issue in its Proposal; this issue is discussed in Paragraph 3 below. But L3Harris must do further analysis and better understand what other issues were identified by the evaluators and what information is contained in the competitors' proposals to explain the 10 point differential between L3Harris and EF Johnson in these three categories. That is why L3Harris requested the information on the evaluation process and the other proposals in the L3Harris FOIA request to the County. The protest process should not be concluded until this information is provided by the County and L3Harris is able to fairly perform this review and analysis.

Protest Resolution Committee Review:

L3Harris' request for open records under CALIFORNIA'S PUBLIC RECORDS ACT submitted on December 30th was addressed outside of the Protest process as the request for open records is not part of the Protest process.

Protest Resolution Committee understands that County received a Public Records Request (R001761-010821) from L3Harris on January 8, 2021. County then produced and provided available disclosable documents (Approximately 237 e-mails) on January 14, 2021. L3Harris had this information prior to March 23, 2021 Oral Presentations.

2. Overall Response

Protest from L3 Harris

Thank you for the additional information in the January 5th letter regarding the ranking of the vendors and the stated award of 10.00, 6.66 points and 3.33 points to the three vendors in this category based on their respective ranking.

First, L3Harris notes that the Overall Response category was mentioned in Section 1.10 of the RFP as containing a potential 10 points. However, the 10.00/6.66/3.33 points allocation based on ranking was not mentioned in the RFP and is arbitrary at best. Without being warned in the RFP, the third ranked vendor can lose significant points in the Overall Response category (as L3Harris did – six points) based on an arbitrary ranking even though the quality of its Proposal is very close to the vendor receiving the award (as the debriefing

PowerPoint deck indicates). As previously noted in the L3Harris December 30, 2020 letter and in the County debriefing PowerPoint deck, L3Harris was ranked first in Proposed System Design, first in Proposed Team Qualifications and First (tied) in Financial Stability. Yet after scoring this high in these categories, the L3Harris Proposal was then arbitrarily only ranked third and only received 3.33 points out of 10 on Overall Response which was 4 points and 6 points less than its two competitors. This scoring methodology is arbitrary, subjective and without basis given the merits of the L3Harris Proposal. Clearly the County should not be making a multi-million dollar award decision based on such arbitrary and subjective scoring. After scoring the L3Harris Proposal as highly as it did in several categories, the arbitrary evaluation and allocation of only 33% of the available points in the Overall Response category clearly ignores the merits of the L3Harris Proposal.

Second and more significantly, the points allocation set forth in the County's January 5th letter does not appear to match the actual points allocation in the Overall Response category. Instead of a 10.00/6.66/3.33 points allocation as put forth in the January 5th letter, the debriefing PowerPoint deck states that the points allocation in the Overall Response category was 9.52/7.62/3.33 points. Clearly the other vendors weren't given arbitrary point amounts based on their ranking. L3Harris reiterates its protest that the Overall Response category points allocation was arbitrary and that L3Harris should have been given significant additional points given how the other evaluation category scores clearly demonstrate the value of the L3Harris Proposal.

Protest Resolution Committee Review:

2.1 All vendors were evaluated using the criteria outlined in the RFP, including the Overall Response.

Vendors were ranked 1 to 3 by each Selection Committee member. The overall response rankings were evaluated by the County using the following guidelines, which were outlined in the RFP Attachment A – Proposal Requirements, Section 2.3.8:

Vendor's overall response to the RFP, Attachments, and Appendices.

Understanding of the RFP:

- a. Compliance with the requirements of the RFP*
- b. Completion of all mandatory forms*
- c. Capability, features, and functionality of the system*
- d. Warranty, maintenance, and support*
- e. Other factors deemed of value to the County.*

2.2 The calculations are accurate. Rankings were calculated as following:

- 1 = 10*
- 2 = 6.66*
- 3 = 3.33*

Please note, each Selection Committee member ranked each vendor 1 to 3. These points were allocated in accordance with the categories listed in Section 2.1 above. The Selection Committee reviewed the overall impact of L3Harris not meeting the Fire VHF requirements and proposing the least number of LMR/MW sites in its design compared to the other two vendors. The other two met the overall requirements more than L3Harris. Some members ranked Motorola as 1 vs. EF Johnson as 2. All members ranked L3Harris as 3. The score of 9.52/7.62/3.33 points for this section is an average score based on each Selection Committee member's score.

3. L3Harris Ranking and Technical Design

Protest from L3 Harris

L3Harris believes the County's third place ranking of the L3Harris Proposal in the Compliance Matrix, Interviews and Overall Response categories and the resultant low scores may be based in part on a misunderstanding of the L3Harris technical design and the channel capacity issue. As stated in significant detail in Exhibit A to this letter, L3Harris believes the combination of the required RFP simulcast radio system design parameters and the significant challenges of time domain interference (TDI) will lead to a system with reduced, if not poor, useable coverage. The L3Harris design should not have been penalized for driving to minimize TDI interference and maximizing the system coverage.

L3Harris respectfully requests that the County and its consultant take a fresh, in-depth look at both the L3Harris technical design as well as the leading vendor's system design to review and verify how each vendor addressed the effects of TDI in their design and to determine what the coverage in each proposed system looks like after the effects of TDI. The L3Harris design reduces the amount of TDI and optimizes the coverage of the new County system. L3Harris respectfully requests that the Compliance Matrix, Interviews and Overall Response scores be re-evaluated in light of the County's updated technical understanding of the L3Harris design.

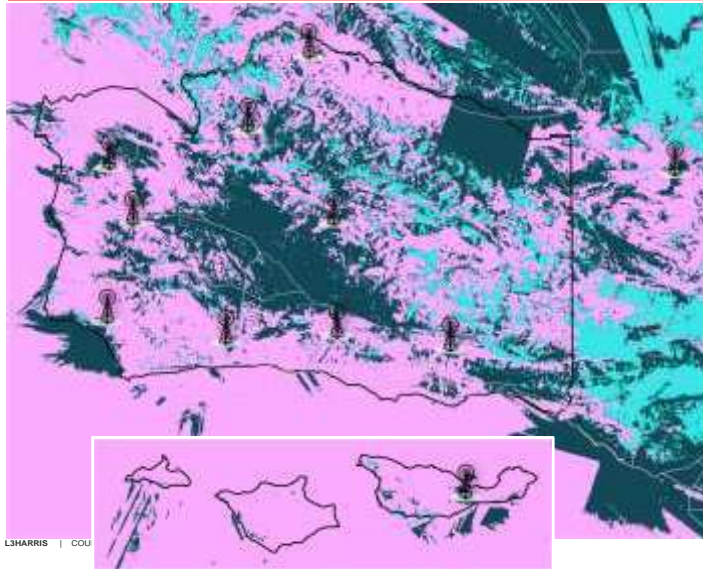
Protest Resolution Committee Review:

3.1 During the RFP process, L3Harris was given feedback on its design 3 different times:

- *After initial submission of the RFP, via Addendum 7 on June 19, 2020*
- *Response to Addendum 7, on July 13, 2020*
- *During Clarifications Meeting on July 16, and via Addendum 8*

L3Harris' design was evaluated and scored after the Interview. During the Interview, L3Harris discussed with the County its VHF design limitation, and reasons for not meeting the 6 channel requirements. A PowerPoint slide from the interview is provided below for your reference.

Why a single Simulcast Cell for VHF was NOT proposed?



Anticipated interference with a one cell approach drops the predicted usable coverage beyond the RFP requirements

Adding additional sites in high interference areas will likely cause interference in other areas due to interaction between all sites

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3.2 Compliance Matrix was evaluated accurately. It was based on five criteria items, for example: Did the Vendor state compliance with all items on the compliance matrix? This was ranked on a scale of 1-3.

- 1- No
- 2- Somewhat
- 3- Yes

L3Harris did not comply with all items; therefore, it received 1 point from all Selection Committee members.

For example, Compliance Matrix 1.3.C stated:

The Contractor shall supply the necessary LMR equipment to operate six VHF conventional channels at all new site(s) selected. To which L3Harris provided the following response.

L3Harris Response: L3Harris' new design for the conventional system will improve overall coverage and improve voice quality by using two simulcast cell solution for the VHF conventional system. L3Harris will use all six, existing VHF channels, but will deploy them into two simulcast cells, with three channels in each cell. Because of the close frequency spacing of several channels, L3Harris will work closely with the County to minimize interference and improve coverage efficacy. Options may include searching for alternate, receive frequencies that do not split the transmit frequencies like the

current VHF channel 5 does. L3Harris has done a preliminary frequency search and determined that additional frequency acquisition is infeasible for a countywide simulcast or to augment L3Harris' proposed two-simulcast-cell topology beyond three channels per cell. L3Harris' goal is to deliver the best sounding system with the best coverage possible to the County so the County can serve its users and constituents most effectively.

All vendors received low points for this section from the Selection Committee. The average score was L3Harris - 4.38, EF Johnson - 5.52 and Motorola 5.81.

3.3 Interviews were evaluated accurately. Each Selection Committee member rated on a scale of 1-3, vendors' response to the agenda items covered during the Interviews.

3.4 Overall Response. Please see response in Section 2.1 and 2.2 above.

3.5 Vic Trace. Information regarding usability was communicated to all vendors via Addendum 8.

3.6 EF Johnson Portable radios were brought up during the Oral Presentation. EF Johnson's RFP response included VP8000 as a portable radio, which is in-development, and is acceptable to the County.

4. Cost

Protest from L3 Harris

L3Harris notes that the cost to the County of a vendor's proposal is obviously a major factor in the County evaluation process. The data in the County debriefing PowerPoint deck indicated that there was only a \$1,826,253 (or 7%) difference in the cost of the L3Harris solution and the EF Johnson solution. An analysis of the requested FOIA information, as discussed in Paragraph 1 above, will reveal if there are any differences in the two costs based on specification interpretations, for example, that yield a lower price differential after a comparison of the true costs of both proposals. This is another reason for the requested FOIA information.

Protest Resolution Committee Review:

L3Harris cost (price) was evaluated accurately and based on L3Harris submittals. The following formula was used to score L3Harris cost compared to others:

$(\text{Lowest Vendor Cost} / \text{Vendor's Cost}) * \text{Total Points}$

On December 22, 2020, County debriefed L3Harris on the Request for Proposal (RFP) Evaluation Process and shared the following cost comparison chart, which was the basis to evaluate the Cost section. The cost numbers were provided by each vendor in Attachment E - Pricing Response Workbook, in response to the RFP. EF Johnson received 15 points, and L3Harris received 14.01 points for the Cost section using the above mentioned formula. Specification interpretations were not part of the cost section.

Cost – 15 Years	EF Johnson	L3Harris	Motorola
RFP Response Cost	\$25,924,715	\$27,750,968	\$42,501,782

End of Exhibit.