

Attachment 19

Attachment 19

Protest Response to Motorola Solutions

**COUNTY OF SANTA BARBARA**  
**General Services Department**

**Janette D. Pell**  
Director



**Lynne Dible**  
*Assistant Director*  
Finance, Administration &  
Purchasing

**Andre Monostori**  
*Assistant Director, Interim*  
Information & Communications  
Technology

**Skip Grey**  
*Assistant Director*  
Fleet & Real Property

**Patrick Zuroske**  
*Assistant Director*  
Capital Projects & Facilities

June 1, 2021

Mr. Neil Thomas  
Vice President-Western Region  
Motorola Solutions, Inc.  
10680 Treena St., Ste 200  
San Diego, CA 92131 USA

*RE:RFP #810131 for Santa Barbara County Public Safety Radio Network Replacement*  
*Sent via email: bill.burton@motorolasolutions.com*  
*Notice of Appeal Review*

Dear Mr. Thomas:

This letter is to advise you of the Protest Resolution Committee's decision on the Notice of Appeal, dated December 29, 2020, filed by Motorola Solutions, Inc regarding the County of Santa Barbara's Public Safety Radio System Replacement Project (RFP # 810131). Motorola submitted a protest dated December 15, 2020. In my capacity as Buyer and in accordance with the terms of the RFP, I denied the protest on December 23, 2020. Motorola 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 Oral Presentations from Motorola Solutions, 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 Motorola. 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


Jason LaForge – L3Harris Technologies, Inc.

Tammie Massirer-Wojcieszak – EF Johnson

**Exhibit – Written Decision of Protest Resolution Committee Regarding Appeal Items from Motorola Solutions, Inc.**

No.	Topic	Protest Appeal	Motorola’s Protest Appeal Comments	PRC (Protest Resolution Committee) Review																													
1	Financial Stability	The County evaluation process used subjective weighting of a proposer's cash reserves, etc. to determine financial stability.	<p>The County’s evaluation method is inaccurate and not an objective assessment of MSI's cash reserves. Based on the explanation below, Motorola should be awarded two additional points for cash reserves greater than 40% in the Financial Stability evaluation.</p> <p>Below is a correct evaluation of Cash reserves available to MSI.</p> <table border="1" data-bbox="621 586 1346 743"> <thead> <tr> <th></th> <th>2019</th> <th>Q1'20</th> <th>Q2'20</th> <th>Q3'20</th> </tr> </thead> <tbody> <tr> <td><b>Cash &amp; Cash Equivalent</b></td> <td>3,201M</td> <td>3,872M</td> <td>3,541M</td> <td>3,207M</td> </tr> <tr> <td><b>Current Liabilities</b></td> <td>3,439M</td> <td>3,879M</td> <td>3,480M</td> <td>3,312M</td> </tr> <tr> <td><b>Cash Ratio</b></td> <td>93.08%</td> <td>99.82%</td> <td>101.75%</td> <td>96.83%</td> </tr> </tbody> </table> <p>1.) As noted in the Motorola 10K form, Motorola has a \$2.2B revolving credit facility that is a cash equivalent and available at any time. Any evaluation of our cash ratio should take this into consideration and would increase our ratio to greater than 93%.</p> <p>● <b>From the Motorola Solutions 2019 10K, Page 40 Credit Facilities</b></p> <p><i>As of December 31, 2019, we had a \$2.2 billion unsecured revolving credit facility scheduled to mature in April 2022, which can be used for borrowing and letters of credit (the "2017 Motorola Solutions Credit Agreement").</i></p> <p><i>Adequate Internal Funding Resources</i>  <i>We believe that we have adequate internal resources available to fund expected working capital and capital expenditure requirements for the</i></p>		2019	Q1'20	Q2'20	Q3'20	<b>Cash &amp; Cash Equivalent</b>	3,201M	3,872M	3,541M	3,207M	<b>Current Liabilities</b>	3,439M	3,879M	3,480M	3,312M	<b>Cash Ratio</b>	93.08%	99.82%	101.75%	96.83%	<ul style="list-style-type: none"> <li>County’s calculation of Financial Stability is correct as described below:</li> <li>Motorola submitted in its RFP response the following information for its 2019 Financials (Consolidated Balance Sheets), which was the basis for the Cash Ratio calculations, one of four elements of a vendor’s given Financial Stability. Motorola’s <i>2019 Cash &amp; Cash Equivalents</i> presented in its Notice to Appeal do not reconcile with its RFP response document. Motorola Solutions 2019 10K cannot be considered as it was not submitted as part of the RFP response. In addition, even if the County did consider credit borrowing as indicated by Motorola from revolving credit, it will raise Motorola’s liabilities, therefore, having no impact on the scoring.</li> </ul> <table border="1" data-bbox="1409 943 2024 1065"> <thead> <tr> <th colspan="3">Cash Ratio: Cash + Cash Equivalent divided by Current Liabilities. (Actual Dollars)</th> </tr> <tr> <th>Cash + Cash Equivalent</th> <th>Current Liabilities</th> <th>Cash Ratio</th> </tr> </thead> <tbody> <tr> <td align="right">\$1,001,000,000</td> <td align="right">\$3,439,000,000</td> <td align="right">29.11%</td> </tr> </tbody> </table>	Cash Ratio: Cash + Cash Equivalent divided by Current Liabilities. (Actual Dollars)			Cash + Cash Equivalent	Current Liabilities	Cash Ratio	\$1,001,000,000	\$3,439,000,000	29.11%
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			<p><i>next twelve months as supported by the level of cash and cash equivalents in the U.S., the ability to repatriate funds from foreign jurisdictions, cash provided by operations, as well as liquidity provided by our commercial paper program backed by the \$2.2 billion revolving credit facility</i></p> <p>2.) In addition to the corrected calculation above, Our current liabilities include \$1B of contract liabilities, which is essentially cash in advance of open contracts that we have not performed yet. While other firms may opt to show contracted revenue as Cash or Cash Equivalents and not as a liability, Motorola holds the potential revenue as a Liability to simplify our GAAP reporting. Removing this contracted revenue from our liabilities and over to our cash reserves increases the ratio to 150%+.</p>	 <table border="1"> <caption>Motorola Solutions, Inc. and Subsidiaries Consolidated Balance Sheets (in millions)</caption> <thead> <tr> <th></th> <th>December 31, 2019</th> <th>December 31, 2018</th> </tr> </thead> <tbody> <tr> <td colspan="3"><b>Assets</b></td> </tr> <tr> <td>Cash and cash equivalents</td> <td>\$ 3,301</td> <td>\$ 1,257</td> </tr> <tr> <td>Accounts receivable, net</td> <td>1,412</td> <td>1,283</td> </tr> <tr> <td>Contract assets</td> <td>1,568</td> <td>1,013</td> </tr> <tr> <td>Inventories, net</td> <td>447</td> <td>386</td> </tr> <tr> <td>Other current assets</td> <td>777</td> <td>584</td> </tr> <tr> <td><b>Total current assets</b></td> <td><b>4,375</b></td> <td><b>4,372</b></td> </tr> <tr> <td>Property, plant and equipment, net</td> <td>362</td> <td>693</td> </tr> <tr> <td>Operating lease assets</td> <td>304</td> <td>—</td> </tr> <tr> <td>Investments</td> <td>159</td> <td>189</td> </tr> <tr> <td>Deferred income taxes</td> <td>843</td> <td>883</td> </tr> <tr> <td>Goodwill</td> <td>2,387</td> <td>1,514</td> </tr> <tr> <td>Intangible assets, net</td> <td>1,327</td> <td>1,239</td> </tr> <tr> <td>Other assets</td> <td>422</td> <td>341</td> </tr> <tr> <td><b>Total assets</b></td> <td><b>13,642</b></td> <td><b>9,639</b></td> </tr> <tr> <td colspan="3"><b>Liabilities and Stockholders' Equity</b></td> </tr> <tr> <td>Current portion of long-term debt</td> <td>\$ 16</td> <td>\$ 21</td> </tr> <tr> <td>Accounts payable</td> <td>818</td> <td>582</td> </tr> <tr> <td>Contract liabilities</td> <td>1,449</td> <td>1,283</td> </tr> <tr> <td>Accrued liabilities</td> <td>1,355</td> <td>1,233</td> </tr> <tr> <td><b>Total current liabilities</b></td> <td><b>3,638</b></td> <td><b>3,120</b></td> </tr> <tr> <td>Long-term debt</td> <td>3,113</td> <td>3,289</td> </tr> <tr> <td>Operating lease liabilities</td> <td>497</td> <td>—</td> </tr> <tr> <td>Other liabilities</td> <td>2,209</td> <td>2,209</td> </tr> <tr> <td>Total Motorola Solutions, Inc. stockholders' equity (deficit)</td> <td>(700)</td> <td>(1,283)</td> </tr> <tr> <td>Noncontrolling interests</td> <td>57</td> <td>17</td> </tr> <tr> <td><b>Total liabilities and stockholders' equity</b></td> <td><b>13,642</b></td> <td><b>9,639</b></td> </tr> </tbody> </table>		December 31, 2019	December 31, 2018	<b>Assets</b>			Cash and cash equivalents	\$ 3,301	\$ 1,257	Accounts receivable, net	1,412	1,283	Contract assets	1,568	1,013	Inventories, net	447	386	Other current assets	777	584	<b>Total current assets</b>	<b>4,375</b>	<b>4,372</b>	Property, plant and equipment, net	362	693	Operating lease assets	304	—	Investments	159	189	Deferred income taxes	843	883	Goodwill	2,387	1,514	Intangible assets, net	1,327	1,239	Other assets	422	341	<b>Total assets</b>	<b>13,642</b>	<b>9,639</b>	<b>Liabilities and Stockholders' Equity</b>			Current portion of long-term debt	\$ 16	\$ 21	Accounts payable	818	582	Contract liabilities	1,449	1,283	Accrued liabilities	1,355	1,233	<b>Total current liabilities</b>	<b>3,638</b>	<b>3,120</b>	Long-term debt	3,113	3,289	Operating lease liabilities	497	—	Other liabilities	2,209	2,209	Total Motorola Solutions, Inc. stockholders' equity (deficit)	(700)	(1,283)	Noncontrolling interests	57	17	<b>Total liabilities and stockholders' equity</b>	<b>13,642</b>	<b>9,639</b>
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2	Procurement Process	The County has attempted to dismiss a protest without providing information which has been requested through the County's FOIA process and through the protest process.	This information is required for MSI (or any other protester) to have a thorough and complete review in order to adequately defend a protest. No protest should be dismissed until a protestor has been afforded an opportunity to receive and review all requested information through the protest AND the County's FOIA process. MSI has made two FOIA requests on December 10th and a third on December 16th. To date, the only County response has been to delay fulfilling these requests until after the protest period could be prematurely ended by the County. This attempt shows clear bias against MSI and uses procedural delays in order to keep the full extent of a thorough review and analysis from being revealed in a valid protest.	<ul style="list-style-type: none"> <li>Motorola’s request for open records under CALIFORNIA’S PUBLIC RECORDS ACT submitted on December 10<sup>th</sup> (R001673-121020) and 16<sup>th</sup> (R001691-121620) were addressed outside of the Protest process as the request for open records is not part of the Protest process. County produced and provided available disclosable documents (Approximately 248 correspondence records) by January 11, 2021. Motorola had this information prior to March 23, 2021 Oral Presentations.</li> </ul>																																																																																				

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3	Price	<p>The project scope and compliance from each proposer have not been thoroughly reviewed by the County to establish consistency even though there is a major price delta in what should be a standards-based and competitive procurement.</p>	<p>In competitive, standards-based procurements, pricing between the top three vendors is always very close. In procurements with a sizable difference between vendors, the cause is almost always a difference in interpretation of specifications. In a debrief with MSI, the County stated that they had not looked into the details of the compliance matrix or the responses (since they had been scored prior to any redesign and request to improve the designs from each vendor) to determine if there were vague specifications that could be interpreted differently. Otherwise, the County is at risk of accepting a low price proposal which misinterprets a specification to benefit the proposer and shift risk and cost to the County. Conversely, the County may be penalizing MSI for a correct interpretation of a vague specification which causes a price increase, but has not been considered in other proposals. MSI has requested each proposer’s compliance and pricing sections through the FOIA process and must have adequate time to review this information to identify where specifications have been interpreted differently by each proposer.</p>	<ul style="list-style-type: none"> <li>• Motorola’s cost (price) was evaluated based on Motorola’s submittals. The following formula was used to score Motorola’s cost compared to others:  <math display="block">(Lowest\ Vendor\ Cost / Vendor's\ Cost) * Total\ Points</math> <p>The requirements were neither vague nor loose, and vendors were given the opportunity clarify their responses to the RFP specifications per the Addendums 7 &amp; 8, as the May 14, 2020 submitted responses did not meet the RFP requirements. All vendor pricing resubmittals of August 25, 2020 showed an increase in total cost compared to original submitted pricing.</p> <p>Compliance Matrix evaluation 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.</p> <p>1- No                  2- Somewhat                  3- Yes</p> <p>Motorola did not comply with all items, therefore, it received 1 point from all Selection Committee members.</p> </li> </ul>

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				<p>PRC could not reconcile Motorola’s new numbers presented during the Oral Presentation. The cost numbers are inconsistent with the facts.</p> <p>For example, Motorola cited that by adding \$4,900,000 to its capital cost, the new total cost would be \$30,898,384. Motorola’s submitted capital cost was \$29,531,073. By adding its new number of \$4,900,000, the total would be \$34,431,073 and not \$30,898,384. In either case, County cannot accept new numbers from Motorola after the selection process has been completed.</p> <p>Price was evaluated based on each vendor submitting Attachment E - Pricing Response Workbook, in response to the RFP Addendum 8, Both the Vendor’s design and price were evaluated after receiving response to Addendum 8, on August 25, 2020.</p>
4	Proposed Design, Team Qualification, Compliance, Overall Response	EFJ does not manufacture, service, or have type accepted multiband subscriber radios, as required by the RFP specifications. This is a key	Through the review process it should have been noted that EFJ does not make or service a multiband mobile or portable radio which is capable of meeting the required VHF, UHF, 700MHz, and 800MHz multiband operation. This is a major and key requirement for the proposed system and for end users to have adequate communications and interoperability with mutual aid responders. The EFJ proposal should be deemed non-qualified or, at a minimum, have a major points deduction for missing this key criteria.	<ul style="list-style-type: none"> <li>EF Johnson RFP response included the following response for the multi-band portable radio, which is acceptable to the County.</li> </ul> <p>“All proposed KENWOOD Viking subscriber equipment is P25 CAP certified with the exception of our new multi-band portable radio (VP8000), which is in development and will be tested for P25 CAP compliance. As the new multi-band portable radio is based on our very popular P25 CAP compliant VP6000 radio, we</p>

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		RFP requirement and the evaluation scoring did not reflect this major issue. The EFJ proposal should be deemed as non-qualified.		<p>anticipate our CAP compliance process will be streamlined and complete prior to delivery of subscribers to Santa Barbara County.”</p> <p>For the multi-band radios question the Selection Committee evaluated as following with an average score: EFJ 2.86, L3Harris 3.00, and Motorola 3.00. In addition, it was reflected in the overall Compliance Matrix evaluations and was not discussed as a disqualifying item as the response was deemed acceptable.</p>
5	References	EFJ received a similar number of points as MSI, even though they have no suitable references for systems similar to the County's requirements.	In a debrief with MSI, the County confirmed that while each proposer's references had been contacted and asked similar questions regarding the system performance, scope, and implementation, the system references were not reviewed in detail to determine if they were similar to the County's RFP requirements. Per the RFP, Attachment A, section 6.d, notes that Attachment C should be filled out and that "References should be similar size and complexity." Also, the first page of Attachment C includes, as the first line of text, the following: "Note: Responder should provide references of similar size and complexity as the County of Santa Barbara." No similar system to the County's required specifications has ever been shipped and installed by EFJ and accepted by a public safety agency. While several EFJ systems have some similar elements to the County's requirements, EFJ is unable to claim a single reference which includes ALL key technical requirements that are similar to the County's, including P25, TDMA, MPLS, number of sites, number of channels, number of wireline dispatch consoles made by proposer, simulcast and multicast, with vendor manufactured multiband radios across all required channels. We have	<ul style="list-style-type: none"> <li>• References for all vendors were evaluated in accordance with the County’s evaluation criteria, and were determined to be acceptable to the County.</li> <li>• None of the references provided by the three (3) vendors included every technology element described in the RFP. For example, Motorola’s submitted reference of Las Vegas Metro Police provided the following response to the question: Did the (Vendor) services include the following?               <ol style="list-style-type: none"> <li>1. UHF P25: No</li> <li>2. VHF: No</li> <li>3. Microwave Backhaul: Yes</li> <li>4. MPLS: No</li> <li>5. Dispatch: Yes</li> </ol> </li> </ul>



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			<p>looked for qualifying references from E.F. Johnson Company and are unable to find (3) suitable references, and therefore require that E.F. Johnson Company’s initial proposal be deemed non-responsive and non-qualified, or at a minimum, the evaluation scoring be revised to remove bias and reflect an objective number of points for suitable references.</p>	
6	Scoring Evaluation	<p>Vendors were asked to make significant design updates, based on County preferences for improved coverage, but after initial submissions. This resulted in a higher cost being evaluated from MSI, but no re- scoring of the Compliance or other proposal sections.</p>	<p>In a debrief with MSI, the consultants confirmed the County completed their evaluation of the first (5) steps (Proposed System Design, Proposed Team Qualifications, Financial Stability, Compliance Matrix and References) before the Vendor Interviews. The County then cancelled the first round of vendor interviews. Instead they met with each vendor and asked each vendor for modifications in certain areas (such as certain Highways, roads, beaches, etc). These requested modifications were specific to each vendor's proposed design. However, the County did not change the actual coverage specifications from the RFP. They asked each vendor to make coverage adjustments, update their design &amp; pricing and resubmit their proposals. After the proposals were resubmitted the vendor interviews were rescheduled. The County then proceeded to score the Vendor interviews afterwards as well as the updated pricing. However, the County neglected to go back and re-evaluate the updated proposals for the first (5) steps (Proposed System Design, Proposed Team Qualifications, Financial Stability, Compliance Matrix and References). As a result, their scoring and intent to award were based on the original submission for the first (5) steps and the new submission for the vendor interview, price and overall response. This leads to a number of probable issues, such as:</p>	<ul style="list-style-type: none"> <li>• In the debriefing to Motorola, Consultants stated that the Cost section of the evaluation was completed after the Interviews.</li> <li>• Proposed System Design section had multiple sub-sections. For example, Subsection 1 was System Design, Subsection 2 was Project Plan, Subsection 3 was Implementation Plan etc. Subsection 1 System Design section was only evaluated after the Addendum 8 response on August 25, 2020 and Interviews. The protest’s claim that the County only scored the System Design based on the original submission is inaccurate.</li> <li>• Vendors were asked per the Addendums 7 &amp; 8 to provide clarifications of their designs, as the submitted responses did not meet the RFP requirements. For example, email to Motorola before issuance of Addendum 8 on July 23, stated: <ul style="list-style-type: none"> <li><i>Bill,</i></li> <li><i>The response to Addendum 7 did not provide adequate clarifications to the MW Backhaul and LMR design, therefore, the</i></li> </ul> </li> </ul>

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			<p>1.) In the updated design submittal, a vendor could have excluded many previously included (and required) critical and costly elements in the redesign which would have drastically altered their price, as well as their compliance. By scoring the revised price without also re-scoring the vendor's compliance, a vendor could have received higher points in both sections while transferring costs and risk to the County.</p> <p>2.) A vendor could have proposed multiple new sites to improve coverage, but not include sites at the same level of compliance initially required by the RFP. This also transfers costs and risks to the County, but allows the vendor to maintain a high score in the evaluation process.</p> <p>3.) There are numerous other ways a vendor could have used this flawed process to their advantage and MSI will identify these once we have reviewed the documentation requested through the FOIA process.</p> <p>The fact that the MSI compliance score was relatively low, even though the MSI proposal had very few exceptions and clarifications, while the MSI price was increased due to the County asking for MSI specific coverage improvements (which did not also improve the MSI compliance scoring), is evidence that the evaluation procedure was not valid. The process of meeting with each vendor and requesting very specific design changes and updates to pricing without revising compliance shows bias to some vendors. MSI would have been better served to not include any of the requested coverage improvements while maintaining a high compliance to the RFP specifications and a lower overall price. The County must provide MSI with the documentation requested through the FOIA process.</p>	<p><i>County of Santa Barbara is postponing the Interview scheduled for July 17 till August 21.</i></p> <p><i>The County would, however, use the July 17 timeslot for a Clarifications Review, so that Motorola can fully understand County’s concerns and update its design accordingly. Attached you will find the Attachment 17 with additional questions listed in column F, as well as the agenda for the Clarifications Review.</i></p> <ul style="list-style-type: none"> <li>• RFP included the coverage requirements with possible use of sites listed in Attachment 18 - Updated Sites List Revised 20July20 tg. Vendors were evaluated based on their submitted responses.</li> <li>• FOIA information request is outside of the Protest review process. Motorola’s request for open records under CALIFORNIA’S PUBLIC RECORDS ACT submitted on December 10th (R001673-121020) and 16th (R001691-121620) were addressed outside of the Protest process as the request for open records is not part of the Protest process. County produced and provided available disclosable documents (Approximately 248 correspondence records) by January 11, 2021. Motorola had this information prior to March 23, 2021 Oral Presentations.</li> </ul>

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7	Scoring Evaluation	The evaluation committee did not adequately represent the end user agencies and positions, while allowing evaluators to use a subjective analysis but without applicable experience to properly and objectively evaluate.	The County has confirmed that there were (7) committee members that performed the RFP proposal evaluation. It was stated that there was Sheriff, Fire, EMS, General Services (radio shop) and IT communications (Microwave group). MSI is left to assume that the other (2) evaluators were Finance and Procurement. Because pricing was an objective formula, no financing options were awarded points (even though financing options were proposed by MSI Credit Corp), and the procurement process had no associated points, these two evaluators should have never been evaluators. Additionally, the evaluation committee should have had adequate representation from user agencies, based on the number of users who will depend on this system each day to perform their missions. The proposals should be re-evaluated by objective personnel, familiar with radio systems and adequately representative of the end user population.	<ul style="list-style-type: none"> <li>The Selection Committee was comprised of major stakeholders of the County, including Fire, Sheriff, EMS, General Services, Information and Communications Technology, and County’s Public Safety Radio System department. Motorola’s assumption that Procurement was part of the evaluation is not accurate as Purchasing did not participate in scoring. General Services’ Assistant Director has a financing background but was also was with Fire for 4 years before moving to General Services. In any event, it is within the County’s discretion to choose members to represent in the selection process.</li> </ul>
8	Team Qualifications	EFJ does not have an established service facility for the implementation, support, and maintenance of this type of project. The evaluation scoring did not reflect this major issue.	MSI response includes using Day Wireless who is a certified and trained service facility, located in Burbank along with over 240 locally-based engineers, system technologists, subject matter experts, and qualified subcontractor personnel to ensure the proper installation and day-to-day operation of your new solution. EFJ has no such local facility which is certified and trained in the implementation, service, and support of the proposed technology. Points should only be awarded for an established, local, and certified support facility, not for an uncertified, remote, or 'future-promised' facility for such a critical infrastructure project. Additionally, EFJ has no references to prove they have successfully implemented a system of this size and exact technology, which means their proposed team has no resume qualifications for the required system. In a briefing from the consultant to MSI,	Team Qualifications were evaluated for all vendors in accordance with the County’s evaluation criteria, and vendor’s response to the RFP regarding Project Team, including Project Manager, Project Engineer etc. EFJ’s proposed team met the stated criteria and is acceptable to the County.

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			<p>the consultant confirmed that although each reference was contacted, the specific details of the reference system were not reviewed, in order to validate that the reference system technology matched what Santa Barbara required in their RFP. MSI should receive full points in an objective evaluation and EFJ should receive a substantial deduction from the total points, assuming equal points for a qualified PM, Engineer, Technician, and Service Facility and further reduction for the EFJ team having never implemented the exact technology required by the County.</p>	
9	Vendor Interviews	<p>The County never required vendors to demonstrate their systems were capable of operating as proposed.</p>	<p>In large, technical procurements, such as this, it is typical that vendors are asked to demonstrate their proposed systems are capable of meeting the specifications. Even though this is a sizable procurement and public safety users will be dependent on the system for mission critical operations, vendors were not asked or required to demonstrate the key tenets of their designs, such as TDMA trunking, multi-band radio operations, wireline consoles, failover and recovery, etc. Additionally, these operations were never confirmed in the References, which means a vendor could receive high points for proposing non- existing or never before deployed technology for the County of Santa Barbara. At a minimum, vendors should be required to prove, through both references and demonstrations showing how their proposed technology and designs are capable of meeting the County's requirements.</p>	<ul style="list-style-type: none"> <li>• Motorola’s statement regarding County never required demonstrations, is inconsistent with the published Interview agenda below. County asked vendors to demonstrate specific items of interest to the County.               <ul style="list-style-type: none"> <li>○ Section II: Company Overview</li> <li>○ Section III: Proposed System Design                   <ul style="list-style-type: none"> <li>▪ Dispatch consoles 30 minutes demo</li> </ul> </li> <li>○ Section IV: Installation Strategy and Cutover Logistics</li> <li>○ Section V: Clarification of the Vendor’s Pricing Response</li> </ul> </li> </ul>
10	Compliance Section	<p>The Compliance section was subjectively evaluated, when</p>	<p>Of the approx 2,000 specifications in the Compliance section, MSI took exception to less than 2% and complied with additional comments or clarifications to less than 10%. However, MSI was subjectively awarded only 5.81 points out of 10 in the Compliance section. The Intro Document for the RFP states that there are</p>	<ul style="list-style-type: none"> <li>• RFP #810131 - Public Safety Radio Network.pdf document listed Mandatory elements, such as Section 1.4 MANDATORY RESPONDERS PRE-PROPOSAL CONFERENCE.</li> </ul>

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		<p>compliance should have been objectively evaluated against the RFP criteria. Either a vendor complies, complies with clarifications, or takes exception to each requirement and the resulting score should objectively reflect the compliance achieved.</p>	<p>Mandatory Requirements that must be met. However the RFP does not indicate what the mandatory set of requirements are. In a debrief with MSI, the County confirmed that the evaluators were given no guidance or instruction in how to objectively score each proposal, which is reflected in the inconsistent scoring that the vendors received. In a consistent and objective procurement, the scores should be calculated based on total number of exceptions and an acceptable weighting used for more important criteria (and shared with the vendors). All of this should be made clear to both the proposers as well as the scoring evaluators when the RFP was released. The County's process of not properly educating evaluators and not revealing (as indicated) which requirements are mandatory, creates bias and means the Compliance section must be rescored using a fair, consistent, and objective evaluation by evaluators who are both instructed in proper procedure, as well as evaluators who are familiar with the proposed technology.</p>	<ul style="list-style-type: none"> <li>• For approximately 2,000 rows, it had three response options: 1: Comply, 2: Comply with Clarification, and 3: Exception. 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</li> </ul> <p>Motorola's statement that the Section Committee did not have any guidance or instructions is not accurate. The Selection Committee met with outside consultants and the County’s purchasing division to establish a consistent, informed approach to scoring. The Selection Committee met for each scoring section, reviewed and then scored individually.</p>
11	Procurement Process: Intent to Award	<p>The County has attempted to dismiss a protest for an award that has yet to be officially made. The County still has not appropriately made an Intent To Award per the RFP</p>	<p>1.) Per the RFP instructions, the 5 day protest period starts "following posting of the Notice of Award to the County website". To date, no such posting has been made to the County website and the 5 day window has not yet started. Regardless of the use of a third party bid notification service (which is NOT owned by the County, nor is in the Countyofsb.org domain), it is clear that other departments within the County are able to provide notices of an Intent to Award on the County's website, per RFP requirements.</p> <p>2.) Both the County's consultants, as well as its third party service used for bid notifications and submittals</p>	<ul style="list-style-type: none"> <li>• The County posted on the website per the RFP section 1.14.3. The County is reviewing the automatic notification of bid postings to vendors, in the meantime, the County accepted Motorola’s protest dated, December 15, 2020, and responded to Motorola on December 23, 2020.</li> <li>• In addition, the County provided an evaluation debriefing to Motorola on December 23, 2020.</li> </ul>

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		instructions. In addition, the County has neglected to notify vendors of their Intent to Award posted to the 3rd party service.	have provided email notifications of all status updates, addenda, etc. throughout each step of the procurement process. It is highly disingenuous and a break in precedence that the most important notification, Intent to Award, was not similarly provided through either the consultant OR the third party notification system. Because neither the consultant nor third party service provided a notification, vendors were improperly set up to miss the unofficial Intent to Award posting to a third party service.	
12	Protest Process		The County reserves the right to limit negotiations to those replies which received the highest rankings during the initial evaluation phase.	<ul style="list-style-type: none"> <li>This was not part of the written appeal, and brought up during the Oral Protest Presentation. The County completed its RFP process per the RFP guidelines; therefore, this is not applicable.</li> </ul>

End of Exhibit.