

Date: 11/26/18  
Submitted in PS + BFE Committee  
Council File No: 17-1200  
Item No.: 1

Submitted to City of CA.  
BFE - PS  
11/26/18



November 16, 2018

Honorable Board of Supervisors:

We noted with interest your recent adoption of the \$32.8 billion supplemental budget, marking the final step in the County's annual budget process and reflecting an ongoing commitment to serving vulnerable residents, addressing a broad range of emerging needs and improving the quality of life throughout the region.

At the November meeting of the Government Affairs committee of the Studio City Neighborhood Council we discussed the use of 'sole source' agreements by the County and compliance with state law, like Item 53 approved October 30, 2018. "The purpose of requiring governmental entities to open the contracts process to public bidding, according to an important CA appellate case *Konica Business Machines U.S.A., Inc. v. Regents of University of California*, is to: eliminate favoritism, fraud and corruption; avoid misuse of public funds; and stimulate advantageous market place competition. . . . The importance of maintaining integrity in government and the ease with which policy goals underlying the requirement for open competitive bidding may be surreptitiously undercut, mandate strict compliance with bidding requirements."

The Studio City Neighborhood Council voted unanimously on the recommendation of the committee to request that the Board of Supervisors elaborate on the Sheriff's justification for a sole source agreement with Motorola for portable radios that the Board approved as Item 53 on October 30, 2018. Link: <http://file.lacounty.gov/SDSInter/bos/supdocs/128533.pdf>

An opponent of the procurement noted:

*The procurement and selection decision here is legally flawed – it violates County and CA State law, and even worse, discourages competition, resulting in higher prices. And while competitive prices are important to this procurement, this procurement sets the stage for continuing related procurements which, if conducted in this sole-source manner, will cost the County an additional \$35 million. So, not only is this patently unfair to bidders and taxpayers alike, it runs afoul of basic procurement law and will divert money unnecessarily from other important County needs.*

A clarification would assure stakeholders that this procurement does not set the stage for continuing related procurements which, if conducted in this sole source manner, could cost the county an additional \$35,000,000. Thank you for understanding our concern and responding appropriately.

  
Eric Preven  
Gov't Affairs Committee Chair  
Studio City Neighborhood Council