



**County Executive Office**  
**Memorandum**

S32A

April 10, 2008

**To:** John Moorlach, Chairman

**From:** Thomas G. Mauk, County Executive Officer

**Subject:** Exception to the Rule 21

---

**The County Executive Office is requesting a supplemental for the April 15, 2008 Board Hearing Meeting.**

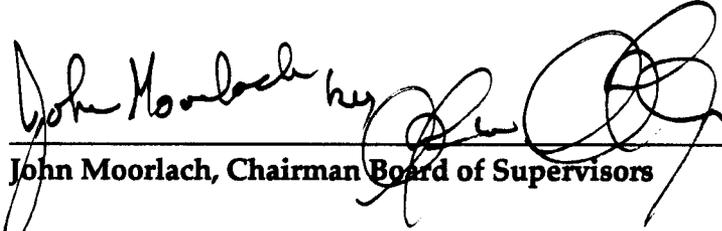
**Agency:** Orange County Sheriff Coroner Department

**Subject:** Approve Emergency contract for CCTV - Digital Surveillance and Recording Equipment and Services.

**District:** 1st

**Reason for supplemental: Requested by Chairman Moorlach**

**Concur:**

  
\_\_\_\_\_  
John Moorlach, Chairman Board of Supervisors

**cc:** Members, Board of Supervisors  
Rob Richardson, Assistant to the County Executive Officer  
Ben De Mayo, County Counsel

08 APR 19 PM 4:51  
COUNTY CLERK  
OFFICE



SUPPLEMENTAL  
AGENDA STAFF REPORT

Agenda Item

ASR Control

S 32A

MEETING DATE: 04/15/08  
LEGAL ENTITY TAKING ACTION: Board of Supervisors  
BOARD OF SUPERVISORS DISTRICT(S): All Districts  
SUBMITTING AGENCY/DEPARTMENT: Sheriff-Coroner (Approved)  
DEPARTMENT CONTACT PERSON(S): Executive Director Rick Dostal (714) 647-1803  
Robert Beaver (714) 935-8431

SUBJECT: Emergency Declaration CCTV Surveillance Equipment Lacy Jail

CEO CONCUR  
Pending Review

COUNTY COUNSEL REVIEW  
Approved Agreement to Form

CLERK OF THE BOARD  
Discussion  
4/5 Vote

Budgeted: Yes                      Current Year Cost: \$370,000                      Annual Cost: N/A  
Staffing Impact: No                      # of Positions:                      Sole Source: N/A  
Current Fiscal Year Revenue: N/A  
Funding Source: Fund 13R: 100%

Prior Board Action: N/A

RECOMMENDED ACTION(S)

By four-fifths vote as required by California Public Contract Code:

1. Find that the project is Statutorily Exempt from the provisions of CEQA pursuant to Section 15269 of the CEQA guidelines.
2. Find that pursuant to Public Contract Code Section 22050, the current condition of the Theo Lacy Jail facility, specifically, the lack of surveillance and recording devices in various parts of the jail, constitutes an emergency which will not permit a delay from undertaking a competitive solicitation for bids, and this action is necessary to respond to this emergency.
3. Find that the recent findings of the Orange County Grand Jury concerning the Orange County Theo Lacy Jail have made clear that lack of sufficient surveillance and recording devices in various parts of the Theo Lacy Jail Facility poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life and health of inmates and County staff.
4. Find, based on the declaration of Assistant Sheriff Jack Anderson, acting as the Sheriff-Coroner, attached hereto as Attachment "A", deeming the lack of surveillance and recording devices at the Theo Lacy Jail Facility an imminent threat to the safety of inmates and County staff.
5. Find that this emergency does not permit the delay resulting from undertaking a competitive solicitation for bids, and this action is necessary to respond to the emergency.

6. Ratify Emergency Price Agreement N1000009933 in the amount of \$370,000 for installation and acquisition of a CCTV Digital Surveillance and Recording System for the Theo Lacy Facility, including inmate barracks and the interiors of guard stations, and authorize the Auditor-Controller to make payments for related services not to exceed the maximum price agreement amount.
7. Set a review by Board of Supervisors every 14 days to determine the continuing need for emergency action pursuant to California Public Contract Code Section 22050, subdivision (c).

**SUMMARY:**

The Sheriff-Coroner requests ratification of an emergency price agreement executed to install a Closed Circuit Television (CCTV) Digital Surveillance and Recording System at the Theo Lacy Facility in Barracks F, G and H, and in the guard stations in each of those barracks.

**BACKGROUND INFORMATION:**

During the April 8, 2008 meeting of the Board of Supervisors, Assistant Sheriff Jack Anderson, Acting as the Sheriff-Coroner, addressed the need for surveillance equipment at the Theo Lacy facility. As such, Chairman Moorlach directed the County Purchasing Agent to work with the Sheriff's Department to expedite a contract to prevent further loss of life and ensure the safety of those in custody, as well as the health and welfare of all County personnel working in the facility.

In response to Chairman Moorlach's directive, the Sheriff's Department, in accordance with County policies, procedures and local statutes, has provided sufficient justification that a legitimate County emergency for this service exists. The Sheriff's justification prompted the County Purchasing Agent to activate emergency purchasing procedures in accordance with the County's Contract Policy Manual, Sections 3.3 and 3.6. A price agreement to secure a CCTV Digital Surveillance and Recording System was executed on April 10, 2008 in the amount of \$370,000.

**Emergency Justification:**

The term "Emergency," as used in Section 1102 of the California Public Contract Code, means a sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services.

The Sheriff-Coroner, who has requested the issuance of the price agreement, has set forth the justification for the emergency in a declaration attached hereto as Attachment "A".

**FINANCIAL IMPACT:**

Funding is available for this price agreement in Fund 13R, Sheriff-Coroner Replacement & Maintenance.

**STAFFING IMPACT:**

N/A

**ATTACHMENT(S):**

Attachment A: Declaration

Attachment B: Price Agreement

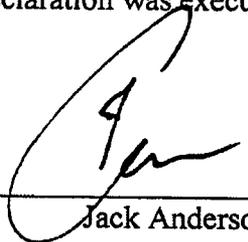
Attachment A

**DECLARATION OF  
ASSISTANT SHERIFF JACK ANDERSON, ACTING AS THE SHERIFF-CORONER**

I, Jack Anderson, declare and state as follows:

1. I am an Assistant Sheriff of the County of Orange, duly acting as the Sheriff-Coroner of the County of Orange.
2. I have personal knowledge of the following facts in my capacity as Acting Sheriff-Coroner.
3. I have reviewed the District Attorney's Investigative Report from the 2007 Special Criminal Grand Jury Inquiry into the death of John Derek Chamberlain, as well as selected portions of the transcripts of that Inquiry.
4. In my professional opinion, I believe that the Inquiry results demonstrate the existence of an Emergency, as that term is defined in the California Public Contract Code.
5. As Acting Sheriff of the County of Orange, I hereby deem the lack of surveillance and recording devices at the Theo Lacy Jail, both in the barracks and in the guard stations, as a legitimate County emergency posing an imminent threat to the safety of the jail staff and the inmates at the Theo Lacy facility. The imminent danger to jail staff, particularly in light of the high inmate to deputy ratio, and the concern for jail staff members' safety, as well as the safety of the inmates, all of which was made known through the District Attorney's Investigative Report and the release of the Special Grand Jury transcripts, thus constitutes an emergency and danger to public safety and to the citizens of the County on which we must act immediately in order to secure the system.
6. Accordingly, I hereby request the County Purchasing Agent to issue an Emergency Price Agreement for installation and acquisition of a CCTV Digital Surveillance and Recording System for the Theo Lacy Facility, including inmate barracks and the interiors of guard stations.

I declare that the foregoing is true and correct of my own personal knowledge and that this Declaration was executed on April 10, 2008 at Santa Ana, California.

  
\_\_\_\_\_  
Jack Anderson

4-10-08



PRICE AGREEMENT

VENDOR INFORMATION:
PHONE: 714-567-7347
TERMS: -
F.O.B: DESTINATION

P/A NUMBER: N1000009933

SEE DELIVERY LOCATION(S)
WITHIN PRICE AGREEMENT

TAX CODE:

START DATE: 04/10/08
END DATE: 04/09/09
DELIVERY WITHIN 000 DAYS

VENDOR CODE: X99999
TEMPORARY VENDOR
ATTN: LARRY PARISH
1300 S GRAND AVE BUILD A
SANTA ANA CA 92705

P/A NOT TO EXCEED: 370,000.00
RENEWABLE FOR: NONE
LEGEND CODE: ER
MASTER PA:
PB:
P/A REPLACES:
PER MINUTE ORDER: / / / / / / / /

PA TYPE: 060
FOLDER NUMBER: 580410
PIGGYBACK PA:

BILLING INSTRUCTIONS:

- INVOICE COUNTY OF ORANGE AND SEND INVOICES IN DUPLICATE TO: BILLING ADDRESS AS INDICATED BELOW.
INVOICES MUST BE IN DUPLICATE REFERENCED TO THE ORDER NUMBER AND ITEMIZED QUANTITIES, DESCRIPTION OF MERCHANDISE, UNIT AND UNIT COST.
VENDOR CODE, ORDER NUMBER AND PRICE AGREEMENT NUMBER (IF APPLICABLE) MUST APPEAR ON ALL INVOICES, SHIPPING PAPERS, PACKAGES & INQUIRIES.
CASH DISCOUNTS, IF OFFERED, WILL BE TAKEN WITHIN TIME LIMITATION AND WILL BE TAKEN ON THE TOTAL AMOUNT (INCLUDING TAX) UNLESS OTHERWISE STATED.
AUTHORIZED FREIGHT CHARGES MUST BE PREPAID AND ADDED TO INVOICE. INCLUDE PROOF OF PAYMENT FOR FREIGHT CHARGES OVER \$25.
YOU ARE REQUIRED TO INCLUDE YOUR TAXPAYER I.D NUMBER ON ALL INVOICES SUBMITTED FOR PAYMENT. THIS WILL ENSURE COMPLIANCE WITH IRS REQUIREMENTS AND EXPEDITE PAYMENT PROCESSING. OUT OF STATE VENDORS MUST INCLUDE CALIFORNIA SALES TAX PERMIT NUMBER.

THE VENDOR ACKNOWLEDGES THAT HE HAS READ AND AGREED TO ALL TERMS AND CONDITIONS INCLUDING THOSE PRINTED ON ATTACHED TERMS AND CONDITIONS PAGE. THE ONLY TERMS AND CONDITIONS THAT WILL BE APPLICABLE TO THE INTERPRETATION OF THIS CONTRACT ARE THOSE ISSUED BY THE COUNTY OF ORANGE. VENDOR IS REQUIRED TO PROVIDE A COMPLETED MSDS (MATERIAL SAFETY DATA SHEET) FOR HAZARDOUS SUBSTANCES AS REQUIRED BY LABOR CODE SECTION 6390, GENERAL INDUSTRIAL SAFETY ORDER SECTION 5194 AND CALIFORNIA ADMINISTRATION CODE TITLE 8. MSDS SHEET FOR EACH SPECIFIED ITEM SHALL BE SENT TO PLACES OF SHIPMENT.

P/A FOR: EMERGENCY PURCHASES/SERVICES OF CCTV EQUIPMENT F/THEO LACY

EMERGENCY PURCHASE OF CCTV DIGITAL SURVEILLANCE EQUIPMENT AND SERVICES FOR THEO LACY JAIL

TERMS AND CONDITIONS ARE ATTACHED FOR EACH VENDOR ASSOCIATED TO THIS PRICE AGREEMENT

Table with 7 columns: LN, COMMODITY CODE, DISCOUNT, QUANTITY, UNIT, UNIT COST, P/A LINE AMOUNT. Row 1: 001, 96800, 0.00, 0.00, PUBLIC WORKS, CONSTRUCTION, AND RELATED SERVICES, 0.0000, 0.00

DELIVERY LOCATION(S)/INSTRUCTION(S)

Table with 3 columns: CODE, SHIP LOCATION, SHIP INSTRUCTIONS. Row 1: 903, SHERIFF VARIOUS LOCATIONS

AUTHORIZED SIGNATURE

Handwritten signature of Paula Kielich

ADDRESS QUESTION(S) REGARDING THIS PURCHASE DOCUMENT TO THE PURCHASING CONTACT: PAULA KIELICH

COUNTY  
OF  
ORANGE



Attachment B

Date: 04/10/08

**PRICE AGREEMENT**

VENDOR: X99999  
TEMPORARY VENDOR

P/A NUMBER: N1000009933

-----  
ONLY THE FOLLOWING FUND/AGENCY/ORGANIZATIONS ARE AUTHORIZED TO USE THIS PRICE AGREEMENT.

FUND	AGENCY	ORGANIZATION	AUTHORIZED LIMIT
13R	13R	P801	370,000.00

-----

**VENDOR**

Page: 2