



Integrated Notifications Systems, LLC.

A West Shore Services Company

Michigan Office - 6620 Lake Michigan Drive Allendale MI 49401

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November 08, 2022

Office of Borough Mayor
144 N. Binkley Street
Soldotna Alaska 99669

Delivered via email to: JBlankenship@kpb.us

Mike Navarre, Borough Mayor
John Hedges, Purchasing & Contracting Director
Todd Sherwood, Deputy Borough Attorney
Brenda Ahlberg, Office of Emergency Management Manager
Johni Blankenship, Kenai Peninsula Borough Clerk

RE: Appeal Hearing Case Number 2022-02-BAA

Please find the attached information and documentation that pertains to the above appeal hearing as it relates to our appeal of the Borough's recent intent to award of RFP23-001 Mass Notification System to HQE, the Boroughs consultant on this project.

Integrated Notifications Systems, LLC, has detailed and presented written arguments, exhibits, and evidence relating to our parties' position in this matter. You will find written comments at the end of each of the Mayors decision on appeal document dated October 19, 2022. Please see attached information and documentation.

We request that an audio/video copy of the Zoom pre-proposal conference be available for review by the assembly. Specifically, the request Integrated Notifications to meet personally with Kenai Borough Emergency Management Staff, and the answer given that they would be able to support this request. This is explained further in the argument related to reason number 5 in our original appeal.

In addition to a response to the Mayors decision on appeal, we also intend to discuss the misleading information provided relating to the Boroughs existing tsunami warning system. The inaccurate and misleading information provided, not only made it difficult to prepare a proposal in the best interest of the Borough, but also effected the ability to provide a long term comprehensive proposal for the Boroughs review. More specifically we intend to review the following:

- Review current system information included in the RFP, reference Marty Hall (3 pages).
- Current system responses provided in the HQE mass notification survey dated May 2022 specifically pages 10,11,12.
- Kenai siren system upgrade, Federal Signal document dated August 2021.

- Siren test log dated January 05 to August 10, 2022, included in Addendum number 2.
- Results of site surveys located per the attached link
<https://spaces.hightail.com/receive/xjpyTuipNF>

We believe the documentation and information we have provided presents a compelling reason for the Borough to stop the award of this project to HQE Systems.

Regards,

Luke G Miller
Operations Manager



Office of the Borough Mayor

144 N. Binkley Street, Soldotna Alaska 99669 • (907) 714-2150 • (907) 714-2377 Fa x

Mike Navarre
Borough Mayor

October 19, 2022

West Shore Services
Attention: Jeffery Dupilka
6620 Lake Michigan Dr.
Allendale, MI 49401-9257

Re: Mayor's Decision on Appeal - Office of Emergency Management, RFP23-001 Mass Notification System

Dear Mr. Dupilka:

The Borough received your October 6, 2022, appeal of the Borough's Intent to Award a contract to HQE Systems Inc. for the Borough Mass Notification System. The purpose of this letter is to provide my decision on your appeal.

You raised six reasons for the appeal, which I have reviewed and are listed below with my response and decision;

Summary of Decision on Appeal

Reason #1: The awarded vendor influenced RFP23-001 Mass Notification System specifications during the design phase.

We strenuously object to the fact that the consultant HQE hired by the Kenai Borough Peninsula was allowed to provide a proposal on this project. We consider that to be a serious conflict of interest, one which provided a distinct advantage to HQE in responding to this RFP.

It is also very apparent that the consultant either wrote or contributed to the Borough specifications that is plainly clear in the request for a certain siren output which we deemed to be only possibly obtainable in a strict aniconic *[sic]* chamber environment. It is our opinion that this resulted in HQE being the only compliant responder since, at least speaking for Integrated Notification Systems, our experience tells us that we should not provide a proposal that agrees to this requirement.

Response to Reason #1: The consultant, HQE, was contracted to conduct an assessment and gap analysis of the current system, which has been documented as grossly inadequate. HQE did not write nor contribute to RFP23-001. The Borough wrote the RFP in its entirety, using excerpts from its previous iteration RFP07-006 (pg. 17) used in 2007 for the original system development.

5.04 Siren and Speaker Array

- A. The Contractor shall furnish and install siren/speaker units capable of emitting a variety of warning tones and signals. The units shall also be capable of clear and intelligible broadcast of voice messages. The Contractor shall ensure that public address speech intelligibility at each site has a Speech Transmission Index (STI) rating of at least 0.5 at 4 500 feet distance from the equipment. STI shall be measured in accordance with Appendix x A of NFPA 72.
- B. Audio coverage at each site shall be delivery of an intelligible voice message and audio sound level of at least 80 decibels (dB) at 4,500 feet in all directions from the siren/PA equipment.

The Contractor shall select the combination of siren/speaker pole height and output power for each individual AHAB site to ensure a measured sound level of at least 80 dB (70 dB above assumed 10 dB seaside background noise level) at 4,500 feet in all directions from the siren/PA equipment. The contractor shall conduct the measurements in accordance with the FEMA Guide to Outdoor Warning Systems. CPG 1-17. The audio output capacity of the units may vary, as required to achieve the audio coverage specified.

As part of Reason #1, the claim that the specification for siren output is too strict is not a reason for an appeal and would have been addressed in the question period of the RFP should it have been brought forward as a question. It is important to note that none of the proposers were credited or penalized based on their response to this specification during the evaluation process.

Argument to response to Reason 1- Integrated Notifications Systems understands the information provided above in the response to Reason 1. However, we still contend that the information put forward that HQE, the consultant, influenced the specifications since they were allowed unlimited access to files, maintenance records, and proposed upgrades. HQE would have had to have access to this information to complete their scope of work and assessment. HQE and the Borough have limited what information was included but, more significantly, what was omitted by way of an accurate assessment of the Boroughs' Existing Tsunami Warning System.

While the Boroughs consultant HQE may not have directly contributed or wrote the RFP, their personal meeting with emergency management representatives as well as the mass notification survey they provided, we contend directly the influenced the favor of the RFP.

Reason #2: Another serious issue is the fact that the Boroughs consultant HQE, in their consulting capacity with the Borough, had months of opportunity to become intimately familiar with the Borough's existing infrastructure along with the infrastructure available in the surrounding Kenai Borough area. Therefore, putting other vendors who only had thirty days to respond at a significant disadvantage.

We also ask you to consider the fact that HQE was paid by the Borough to accumulate the

information that they were able to use in developing and submitting their response to their RFP. This created a significant and unfair advantage compared to the opportunities allowed to the other proposers. The RFP specifications, which we alleged were developed by HQE or influenced by HQE, significantly reduced the ability of the proposer to provide creative solutions, which may have included utilizing the Boroughs existing infrastructure, along with other opportunities which prevented Kenai Borough from receiving proposals that would provide the best, most cost- effective solution for the Kenai Borough tsunami warning system both now and in the future.

Response to Reason #2: A pre-proposal meeting was provided to all proposers. A question period that allowed for requests, questions, and substitution requests was provided to all proposers. All questions and requests from proposers in that time period were responded to by addendum. West Shore Services Company did not make the request to expand the existing site inspection prior to the deadline for questions.

Arguably, there is an inherent advantage for a Consultant/Contractor to have performed previous work for the Kenai Peninsula Borough. However, to limit that advantage by denying a consultant/contractor an opportunity to propose/bid on any similar work in the future would not be in the best interest of the Borough and would cause redundant expenditures in the delivery of service. Ultimately, the process is designed to do what is best for the Borough, and not to do what is best for an individual contractor. The policy of not limiting consultants/contractors due to previous experience with the Borough is well established in the Borough and in the industry. Any other policy would - over time - lead to a severely reduced pool of contractors, resulting in less choice and higher costs for the Borough; an illogical outcome that is clearly not in the best interest of the Borough.

Argument to response to Reason 2-

We agree that a pre-proposal meeting was provided.

Integrated Notifications Systems asked questions that were all answered in Addendum 1, including our request to expand the time period from the original timeframe to one month. This is clearly identified in Addendum 1, Question 1. No comments were made specifically relating to expanding the existing site inspection time before the deadline. Our request to increase the time for a response to the RFP was timely.

Integrated Notifications Systems agrees with the statement that, arguably, there is an inherent advantage for a Consultant/Contractor to have performed previous work for the Kenai Peninsula Borough. However, along with that should have been the ability for RFP providers to have received the same information available to the consultant while they did their review of the existing systems, which would allow all RFP providers to work with the same information.

It was stated by Borough staff that it would be inappropriate for Borough staff to meet with other proposers to discuss the project. Borough staff also stated it is not fair but allowed the same access to HQE, the Borough's consultant.

Reason #3: Page 19, section 5.1 of the original RFP states that there is [sic] 100 possible points available to be earned during the RFP review process. Page 20, section 5.2 of the original RFP qualitative rating factor only the maximum for outstanding is 1. So, the possible total points earned during the review process is 100. Yet, when we received the intent to award dated October 3, 2022, it stated that HQE Systems Inc earned 369 points. Please provide a written explanation within five (5) business days of how the discrepancy in the point system exists.

Response to Reason #3: 100 points are available from each evaluator. (There were 4 evaluators. $4 \times 100 = 400$ total possible points). The total score is measured by the sum of 400 possible points using the factors provided to all proposers in the RFP.

Argument to response to Reason 3- We understand your response as well as the point system and rating factor that was laid out in the original RFP, and how the RFP was to be reviewed.

However, looking forward to the Mayor's response to Reason 4, which states ***The Borough reserves the right to revise qualifications and requirements to determine the best interest of the Borough. The Borough elected not to contact references for any of the proposers. References were not used as a factor in the evaluation of any of the proposals received by the Borough.***

In fact, the references and qualifications had to be a **factor** in the evaluation; otherwise, it would not be possible for the consultant HQE to receive a combined point total of 369 points. Again, we ask that you look at the points received by HQE, the Borough's consultant, compared to the other proposers. It is our contention that the disparity in the reviews, again, in the total scores point to the fact that the access that HQE had during the consulting process to emergency management staff helped drive the award directly to HQE. Again, it is our contention that if the other proposers had access to the information that HQE was able to collect during the preparation of their mass notification survey that the outcome may have been significantly different.

Integrated Notifications Systems argues that due diligence was not done by Borough staff. If the RFP response was not going to be reviewed as detailed out in the RFP, then an addendum should have been issued to enforce the bidding.

The above explains our contention that there was a hidden agenda by the Kenai Borough to award this project to the Borough's Consultant HQE without evaluating other RFPs submitted.

Reason #4: Furthermore, under criteria 5.1.1 experience/qualifications/references were 35 points. Integrated Notifications Systems has confirmed with one of our primary references they were not contacted during the RFP review process. Please explain how this item is weighted the evaluation of proposals.

Response to Reason #4: In accordance with Section 4.2 Experience / Qualifications / References, third paragraph, "Borough reserves the right to revise qualifications

requirements as determined to be in the best interest of the Borough". The Borough elected *not* to contact references for any of the proposers. References were *not* used as a factor in the evaluation of *any* of the proposals received by the Borough.

Argument to response to reason 4- Please see our comments to argument to response reason 3

Obviously in spite of the Mayors response, **references were used** as a factor in the evaluation. Asking for experience, qualification, and references appears to be a heavily weighed item in the Boroughs RFP.

It seems incomprehensible that an item of this importance would not be used in the evaluation of the proposers.

Reason #5: Addendum 1, Question #4: Are site visits acceptable and supported?

Answer: Contractors are welcome and encouraged to make site visits at their own expense. The owner will be glad to meet with contractors at the OEM offices in Soldotna Alaska to review any and all questions.

When we indicated, we were making a site visit at our own expense, after werequested a meeting, were denied proper access and support to help with our response to the RFP. Please see the attached email.

It is obvious that potential bidders were not provided the same access to information as available to Borough consultant HQE.

Also, we are concerned with the changes in the Borough's own response, not only to the discussion in the Prebid conference but also the change in policy as identified in addendum 1.

Response to Reason #5: Section 2.12 Oral Exchange/ Interpretation of the RFP states that, "No oral change or interpretation of any provision contained in this RFP is valid whether issued at a pre-proposal conference or otherwise". The deadline for questions was provided in the RFP under Section 1.3 Questions and established on August 12, 2022. All requests for an additional pre-proposal meeting came after the deadline for questions, specifically, the attached emails were received on August 16th, 2022. Addendum #1 was provided to proposers on August 10, 2022.

Argument to response to Reason 5-

Integrated Notifications Systems understands that 2.12 states no oral change or interpretation at any proposal meeting; however, the Borough agreed (orally and in writing) to provide access to the emergency management staff, not only in the pre-proposal conference (we have asked for that recording to be available for the meeting) but also in writing in their response to Question 4, Addendum 1as well. Furthermore, the Mayor's response is inaccurate in which it stated an incorrect deadline for questions in the RFP. The deadline was actually increased to August 22, 2022. An additional correction, no requests were made by Integrated Notifications Systems for an additional pre-proposal meeting.

West Shore Services Company was not denied access to the publicly accessible sites. The interpretation that a site visit would include a Borough representative was not the intent of the response and is not reflected in the language used in the response.

We agree that Integrated Notification Systems was not denied access to publicly accessible sites. Integrated Notifications Systems did visit all fourteen of the Kenai Borough tsunami warning sites and gathered as much information as possible. This is what would be required to allow us to completely provide a comprehensive RFP proposal.

There is a big difference between being able to personally meet with emergency management staff, and having the ability to physically inspect the remote site cabinets, as opposed to not having access to this information and only being able to drive by the remote warning sites. This would have allowed us to review maintenance files and gather information that would have been beneficial in our response to the Boroughs RFP.

We agree that there was no set interpretation that a Borough representative would escort an RFP provider to all the sites. We simply asked to make the request to look inside one of the control cabinets, receive the keys (after properly vetting), or have a representative allow us to inspect the inside of one control cabinets under supervision. All of these requests were denied.

RFP23-001, Section 1.3 Questions (page 6) states: "Verbal Requests for information will not be accepted. Questions or requests for clarification directed at any employee or elected official of the Borough other than the Purchasing and Contracting Director may be grounds for disqualification from the process. All questions will be complied, answered, and distributed to all proposers." In accordance to the RFP, no individual questions and answer sessions could be provided. Due to the timing of the request, an explanation detailing beyond the information provided in the RFP was not appropriate or in the best interest of the Borough.

Integrated Notifications Systems would like to point out our comments under the first paragraph in this section. Regardless of what the RFP said, the Borough, on two different occasions, agreed to support site visits from any of the proposers for this system. In fact, if those visits were supported, there would have been no reason why questions or additional information couldn't have been distributed to the other proposers, even if they did not show the initiative to make a personal visit to provide the best, most comprehensive proposal for the Borough.

Integrated Notifications Systems is simply asking to have the same access to the information as HQE.

Reason #6: Addendum 3

Question #2: Question 6, addendum 2- You mention that the Borough completed a radio communications study in 2020. Could you please provide a copy of that study for review?

Answer: The appropriate sections have been attached.

No sections of the radio communication study in 2020 were attached to addendum 3 or any other correspondence or RFP documents. If this study provided essential information that would have assisted with the preparation of the vendor response to the RFP that is serious oversight.

Response to Reason #6: The radio study information was mistakenly not provided in Addendum #3 to any proposer and therefore *none* of the proposers had access to the information and thus it was not relevant to the outcome of the proposal evaluation.

Argument to response to Reason 6- If none of the information in that study would have had any bearing on any of the proposers or did not in any way provided a benefit to HQE, we understand.

Therefore, for the reasons stated, I uphold the decision to award this contract to HQE Systems Inc., and DENY the appeal filed by West Shore Services October 6, 2022.

This denial constitutes a final action by the Mayor and is appealable to the Borough assembly pursuant to KPB 5.28.320(G). A copy of KPB 5.28.320 is attached to this decision. Pursuant to KPB 5.28.320(G), if you decide to appeal this decision to the assembly you must submit your appeal to the borough clerk in writing within three (3) business days of the date of this decision.

In conclusion, Integrated Notifications Systems is asking, along with the other proposers, to be allowed the opportunity to provide a complete, concise, and accurate proposal which this opportunity was denied by allowing the Boroughs consultant, HQE, to manipulate not only the status and health of the Borough's current Tsunami Warning System, but allowed the opportunity to gather the information that was not given to other RFP proposers.

Sincerely,

Mike Navarre
Borough Mayor

Cc: John Hedges, Purchasing & Contracting Director
Todd Sherwood, Deputy Borough Attorney
Brenda Ahlberg, Office of Emergency Management Manager

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Sales Order Number:	4314255_4297590	By:	ISD Engineering	
Project Title:	Kenai siren upgrade	Checked:	Dave Riley	
Revision:	1	Approvals		



4314255_4297590

Kenai Siren System upgrade

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1 Introduction

1. The Purpose of this trip was to Setup 3 activation point computers by transferring the commander data from the old PC's to the new PC's.
2. Travel to all the RTU's and confirm the satellite signal is greater than 40db.
3. Confirm satellite communications in commander.
4. Test the system.

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2 Work Done

Sunday 8/15/2021

Travel to Homer Alaska via Raven airlines from Anchorage, AK.

Monday 8/16/2021

Meet Bud and Marty @ the Homer city garage then go to the Homer P.D.

I retrieved the Commander data from the old PC. Before I had a chance to get the data, their IT person shut the old PC down. This caused Windows to start loading updates, which took over 30 min. to finish. After the data was retrieved, the new PC was installed and Commander updated with the existing data.

After installing the new PC, Marty and I started visiting the RTU's.

001 Homer harbor master 40.42db

002 Ice Rink 44.5db

003 Mariners Park 40.1db

004 Homer Fish & Game 37.1db

005 Bishop's Beach 41.1db

All the satellite units needed to be adjusted to get the required 40+db.

Tuesday 8/17/2021

Travel from Homer to Seward 3+hours.

Start visiting the Seward RTU's.

011 Seward Harbor Master 41.7d

013 Seward Fire dept. 43.0db

014 Lowell Point 40.5db

Spent the night in Seward.

Wednesday 8/18/2021

Start installing the Seward PC and transferring the data.

Visit the remaining Seward sites.

009 Seward Industrial boat repair 37.7db

012 Seward High school 42.2db

Travel to Soldotna (2Hr) to get the required COVID test.

Travel from Soldotna to Homer (1.5Hr)

Thursday 8/19/2021

Meet Marty at the Homer airport and fly to Seldovia school

007 41.7db

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Thursday 8/19/2021 continued.

Fly from Seldovia to Graham Point.

008 no signal

Fly from Graham Point to Nanwalek village.

006 33.7db

Fly from Nanwalek to Homer.

Friday 8/20/2021

Meet with Bud in Homer to program his spare UV+ controllers. We met at Bishops Beach siren site, and I installed each of the boards and programmed them from my laptop. We then drove to the Soldotna activation point to continue testing. At this point, we were still having satellite comm. Problems. Jake was helping me throughout the entire project. Jake reached out to Mark Dietel who then reached out to Orbcomm for help. It turned out that, had changed the satellite naming protocol causing the units to NOT communicate. Jake entered the new info remotely and the sites started communicating.

Saturday 8/21/2021

Travel out of Homer.

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3 Findings

Customer has 3 activation points that they access via Windows Desktop.

There are 14 RTU's in the system, of which 4 sites do not have the satellite equipment installed.

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4 Conclusion

All activation points are communicating with each other via smart message and with the sites via IP and satellite.

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5 Outstanding Issues

- Some sites have charger fails.

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6 Recommendations

Dave Riley - Commissioning Engineer
Federal Signal Corporation - ISD
8/21/2021