



Kenai Peninsula Borough

144 North Binkley Street
Soldotna, AK 99669

Meeting Agenda Assembly

Brent Johnson, President

Tyson Cox, Vice President

Jesse Bjorkman

Lane Chesley

Richard Derkevorkian

Cindy Ecklund

Bill Elam

Brent Hibbert

Mike Tupper

Tuesday, November 15, 2022

10:00 AM

Betty J. Glick Assembly Chambers

Meeting ID: 884 7373 9641 Passcode: 671108

A. CALL TO ORDER

B. ROLL CALL

C. SWEAR-IN PARTICIPANTS

D. PRESIDING OFFICER'S STATEMENT REGARDING HEARING PROCEDURES

- a. The hearing shall be conducted informally with respect to the introduction of evidence. Irrelevant evidence may be excluded by the presiding officer.*
- b. Each interested party shall have a total of no more than 30 minutes to present their case. Each party shall be responsible for dividing their 30 minutes between oral presentation, argument, testimony (including witness testimony), and rebuttal. The board may expand or limit the length of the hearing depending on its complexity, or take other action to expedite the proceedings.*
- c. Cross-examination will not be permitted during presentation of the case. If a witness testifies during presentation of either the appellant's or any other parties' case, unless excused by the board with the concurrence of the appellant and all other parties, the witness must remain available in the assembly room to be called to testify during rebuttal by the appellant and the administration or other interested party.*
- d. Assembly questions and parties' responses shall not be included in the time limitation.*

Case No. 2022-02-BAA

In the matter of Appeal of

Mayor's Decision on Appeal Dated October 19, 2022 Regarding RFP 23-001, Mass Notification Systems

Integrated Notification Systems, LLC., Appellant

[KPB-4746](#)

Record on Appeal

Attachments:[Mayor's Decision on Appeal - RFP 23-001 Mass Notification System 101922](#)[Appeal to the Assembly 10212022](#)[Notice of Appeal and Certificate of Service](#)[Certified Record - RFP23-001 Mass Notification](#)[KPB Administration Written Statement](#)[Integrated Notification Systems, LLC Written Statement](#)**E. APPELLANT'S OPENING STATEMENT**

Luke Miller, Jeffrey DuPilka, Paul Merkouris
Integrated Notification Systems, LLC

F. ADMINISTRATION'S OPENING STATEMENT

John Hedges
Kenai Peninsula Borough Purchasing and Contracting Director

G. OPENING PRESENTATION BY OTHER PARTIES

Tarek Bassiouni
Acoustic Technology Inc. dba ATI Sytems

H. REBUTTAL BY THE APPELLANT

Luke Miller, Jeffrey DuPilka, Paul Merkouris
Integrated Notification Systems, LLC

I. REBUTTAL AND CLOSING BY THE ADMINISTRATION

John Hedges
Kenai Peninsula Borough Purchasing and Contracting Director

J. REBUTTAL BY OTHER PARTIES

Tarek Bassiouni
Acoustic Technology Inc. dba ATI Sytems

K. SUR-REBUTTAL AND CLOSING BY THE APPELLANT

Luke Miller, Jeffrey DuPilka, Paul Merkouris
Integrated Notification Systems, LLC

L. DELIBERATIONS AND DECISION

[Clerk's Note: Deliberations may be held in public or in adjudicative session.]

M. ADJOURNMENT



Office of the Borough Mayor

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

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.

inspections and tests.

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 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.

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.

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.

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.

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 we requested 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.

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.

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.

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.

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.

Sincerely,



Mike Navarre
Borough Mayor

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

5.28.320 APPEAL

5.28.320. - Appeal.

A. *Appeal to mayor.* Any party bidding or submitting a proposal for a contract with the borough adversely affected by the provisions of this chapter, or regulations promulgated hereunder, or by any acts of the borough in connection with the award of a borough contract, may appeal to the mayor in a writing personally received at the office of the borough purchasing officer within 3 business days of the date of notice of intent to award a contract. The appeal may be hand delivered, delivered by mail, or by facsimile and must comply with the requirements of this section.

B. *Contents of appeal.* A written appeal shall, at a minimum, contain the following:

1. The name, address, and telephone number of the interested party filing the appeal;
2. The signature of the interested party or the interested party's authorized representative;
3. Identification of the proposed award at issue;
4. A statement of the legal or factual grounds for the appeal;
5. Copies of all relevant documents; and
6. A fee of \$300.00 shall be paid to the borough and must be received by the deadline for filing the written appeal. This fee shall be refundable if the appellant prevails in the appeal to the mayor or assembly.

C. *Rejection of appeal.* The purchasing officer shall reject an untimely or incomplete appeal or an appeal filed without timely payment of the required fee. Such rejection shall be final and may be appealed to the superior court pursuant to Part VI of the Rules of Appellate Procedure.

D. *Stay of award.* If a timely and complete appeal is filed with the fee, the award of the contract shall be stayed until all administrative remedies have been exhausted, unless the mayor determines in writing that award of the contract pending resolution of the appeal is in the best interests of the borough.

E. *Notice and response.* Notice of the stay and appeal shall be delivered to any party who may be adversely affected by the mayor's decision by facsimile, first class mail or in person within 3 business days of receipt of a properly filed appeal.

F. *Mayor's decision.* The mayor shall issue a written decision to the appellant within 10 business days of the date the appeal is filed. If multiple appeals have been filed, they may be consolidated for purposes of the decision. Copies of the appeal and decision shall be provided to any interested party requesting one. The decision may include any lawful action, including without limitation an amendment of all or any part of the recommended award. For good cause shown the mayor may extend the date for the decision for such additional period as may be necessary.

G. *Appeal to assembly.* The mayor's decision may be appealed to the assembly by filing a notice of appeal to the assembly and requesting the mayor to forward the written appeal and the mayor's response to the assembly. The assembly shall conduct a de novo review of the issue appealed. The request to appeal to the assembly must be submitted in writing or by facsimile copy of a writing to the borough clerk within 3 business days of the mayor's decision. Any appeal not timely filed shall be rejected by the clerk and the appeal forever barred. Appeals to the assembly will be heard at the date and time established by the assembly president, not less than 12 nor more than 35 days after receipt of the appeal. For good cause the assembly president may shorten or extend the hearing date.

H. *Notice and record on appeal.*

1. The clerk shall provide all interested parties as defined in paragraph A. above including the appellant, the borough administration, and any other parties who submitted or bid or proposal who may be adversely affected by a decision of the assembly, notice of the appeal and scheduled hearing date within 3 business days of receipt of the notice of appeal. Such notice shall also advise the parties of their right to appear and be heard at the appeal, and shall also set forth a schedule for written statements and submission of evidence.

2. The purchasing officer shall submit to the clerk the record of the bid or proposal process including the invitation to bid or request for proposal, any amendments thereto, all correspondence to or from all parties, the appeal filed to the mayor and supporting documentation, and the decision issued by the mayor. The clerk shall prepare the record on appeal, to include written statements and all evidence submitted, and provide copies to interested parties upon payment of appropriate copying fees. Prior to the scheduled hearing the clerk shall distribute copies of the record to all assembly members, the purchasing officer and the mayor.

I. *Quasi-judicial process.* The borough assembly shall act in its quasi-judicial capacity when considering an appeal under this section and shall accordingly remain impartial and refrain from ex parte contact with any interested party regarding a specific invitation to bid or request for proposals from the time it has been issued. Any assembly member found to have violated this provision shall be recused from participation in the appeal.

J. *Written arguments and evidence.* Written arguments and submittals of evidence shall be filed in the following manner:

1. *Written arguments due.* Written arguments shall be filed by the parties on a date set by the clerk no later than 5 business days prior to the hearing. All exhibits, evidence, and affidavits supporting a party's position shall be filed on the date written arguments are due.

2. *Party participation.* Any eligible party wishing to participate in the appeal must submit its mailing address, telephone and facsimile numbers, if any, to the clerk, in writing, within 5 business days of the clerk issuing notice of the appeal. The clerk shall provide the parties, the mayor and assembly with written submittals before the hearing date.

K. *Hearing.* The following procedures shall be followed by the assembly for conduct of the hearing:

1. *No new evidence.* Evidence not submitted to the clerk 5 business days prior to the hearing, may not be considered by the assembly unless good cause is shown. Good cause may include, but is not limited to, evidence that was not available to the party presenting the evidence at the time it was due to the clerk. Any objection to new evidence by any party shall be made at the time of the hearing before the assembly.

2. The following order and time limitations shall be followed for the hearing, unless for good cause shown the assembly permits a change:

- a. Appellant's Opening Presentation;
- b. Administration's Opening Presentation;
- c. Opening Presentation by any other Party;
- d. Rebuttal by the Appellant;
- e. Rebuttal and closing by the Administration;

- f. Rebuttal by any other interested party; and
- g. Sur-Rebuttal and closing by the Appellant.

3. If the appellant or representative is not present when called, the assembly shall consider any written presentation, evidence, and documents presented to it pursuant to and thereafter proceed according to the remaining applicable provisions of this chapter.

4. All persons presenting evidence shall do so under oath, administered by the borough clerk.

5. The hearing shall be conducted informally with respect to the introduction of evidence. Irrelevant evidence may be excluded by the presiding officer. Each interested party shall have a total of no more than 30 minutes to present their case. Each party shall be responsible for dividing their 30 minutes between oral presentation, argument, testimony (including witness testimony), and rebuttal. The board may expand or limit the length of the hearing depending on its complexity, or take other action to expedite the proceedings. Cross-examination will not be permitted during presentation of the case. If a witness testifies during presentation of either the appellant's or any other parties' case, unless excused by the board with the concurrence of the appellant and all other parties, the witness must remain available in the assembly room to be called to testify during rebuttal by the appellant and the administration or other interested party. Assembly questions and parties' responses shall not be included in the time limitation.

L. *Decision.*

1. The assembly may either uphold the mayor's decision, remand the matter back to the mayor or order a rejection of all bids or proposals. The assembly shall make written findings of fact which are supported by the substantial evidence in the record, written conclusions and an order. The assembly member chairing the hearing shall execute the order. If the matter is remanded to the mayor, any further appeals of the mayor's decision shall be to the superior court pursuant to Part VI of the Alaska Rules of Appellate Procedure.

2. "Substantial evidence" means relevant evidence a reasonable mind might accept to support a conclusion.

3. The clerk shall serve the written decision on the parties in person or by mail within 10 business days after the oral decision. If facsimile service is requested by a party, service by U.S. mail shall follow.

M. *Appeal to superior court.* Appeals may be taken from the written decision of the assembly within 30 days of the date of the decision pursuant to Part VI of the Alaska Rules of Appellate Procedure.

(Ord. No. 2010-32, §§ 1—3, 10-12-10; Ord. No. 2003-10, § 1, 4-15-03; Ord. No. 96-07, § 1, 1996; Ord. No. 87-29, § 1(part), 1987)



Integrated Notifications Systems, LLC.

A West Shore Services Company

Michigan Office - 6620 Lake Michigan Drive Allendale MI 49401

Alaska Office - 3062 North Circle Anchorage AK 99507

October 6, 2022

Purchasing & Contracting Department
Attn: John Hedges, Purchasing and Contracting Director
47140 E. Poppy Lane
Soldotna, AK 99669

RE: Appeal of RFP23-001 Mass Notification System

Dear Director Hodges,

In accordance with Kenai Borough chapter 5.28 of the KPB code, we hereby officially appeal/protest the award for RFP 23-001 Mass Notification System, released by the Kenai Peninsula Borough on August 2, 2022. Our appeal/protest complies with the requirement of KPB 5.28.32 of the Borough code, and is being hand-delivered with the required \$300.00 fee as of this date.

As outlined in section B in contents of appeal, we have provided the requested information for our appeal under the six requirements listed.

B.

Contents of appeal. A written appeal shall, at a minimum, contain the following:

1.

The name, address, and telephone number of the interested party filing the appeal;

Integrated Notification Systems, L.L.C- A company owned by West Shore Services, Inc

a. **Primary Contacts:**

i. **Jeff DuPilka – O: 616-895-4347ext. 112, C: 616-291-0769**

ii. **Luke Miller – O: 616-895-4347 ext. 171, C: 616-262-0082**

b. **Principle Address for Main Office**

i. **6620 Lake Michigan Dr., PO Box 188, Allendale, MI 49401**

2.

The signature of the interested party or the interested party's authorized representative;

Signature line below

3.

Identification of the proposed award at issue;

Notice of Intent to Award HQE Systems Inc. dated October 3, 2022 subject request for proposal- RFP23-001 Mass Notification System

4.

A statement of the legal or factual grounds for the appeal;

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 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.

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.

Page 19, section 5.1 of the original RFP states that there is 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.

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.

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 we requested 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.

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.

5.

Copies of all relevant documents; and

HQE's Mass Notification Survey in Addendum No. 2

6.

A fee in the amount listed in the most current Kenai Peninsula Borough Schedule of Rates, Charges and Fees shall be paid to the borough and must be received by the deadline for filing the written appeal. This fee shall be refundable if the appellant prevails in the appeal to the mayor or assembly.

A fee of \$300.00 is enclosed with this correspondence.

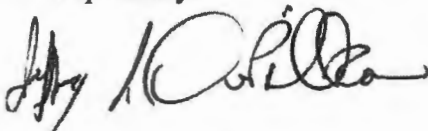
In conclusion, please consider this letter to be a formal protest against any award of this contract RFP23-001 Mass Notification System. We reserve the right to supplement this protest with additional facts when we receive the actual RFPs from other vendors through the Freedom of Information Act.

We also request notice to have all meeting notes, evaluation sheets, emails, and correspondences between Borough staff regarding the award of this contract. We ask those to be faxed or emailed to our 616-895-7158 or jdupilka@westshoreservices.com, concerning this project as soon as possible and are available for our review.

If in the event this letter is insufficient to accomplish the above-mentioned task and purposes of the appeal process, please notify us in writing within five business days of receiving this correspondence, and we will immediately comply with any additional requests.

We respectfully request that the Borough set aside the proposed award for this project to HQE, revise the specifications to eliminate misleading information provided in the bid, which in our opinion, specifically relates to siren output and SPL and also review the inaccurate information that was provided on the Boroughs existing system performance, which was not only inaccurate and would be misleading to vendors when considering solutions that would be in the best interest of the Borough.

Respectfully,



Jeffrey DuPilka
President

JD/Tk

From: [Jeff DuPilka](#)
To: ["Purchasing Dept"; tkouw@westshoreservices.com; lmiller@westshoreservices.com](#)
Cc: ["Jeff DuPika"](#)
Subject: RE: <EXTERNAL-SENDER>Site Visit Request for FRP23-001 Mass Notification System
Date: Tuesday, August 16, 2022 8:39:50 PM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)

Hi Patti,

It was my understanding from the discussion during the pre-proposal conference that anyone who wanted to make a site visit was welcomed and would be accommodated. That included, I believe, something along the lines of feel free to come down, and someone will be available to meet with you.

This complex project requires extra effort to gain information to allow the best possible proposal for the long-term warning system for the Borough.

As far as fairness goes, it seems like anyone else who is interested would also have the same opportunity to review the Borough's current system. Just for clarification, I fully understand that the review of the remote siren sites would be on my own.

I would ask that you reconsider my request to meet to review the control points, etc, as I asked in my original requests. I would also like to know if the consultant you hired to provide recommendations will be allowed to submit a proposal as I asked in my second round of questions.

I look forward to hearing back from you.

Enjoy your evening.

Best Regards,



Jeff DuPilka | President
West Shore Services, Inc. | 6620 Lake Michigan Drive, P.O. Box 188 | Allendale, MI 49401
(616) 895-4347 ext. 112 | Fax (616) 895-7158 | Cell (616) 291-0769



From: Purchasing Dept [mailto:Purchasing@kpb.us]
Sent: Tuesday, August 16, 2022 7:23 PM
To: 'jdupilka@westshoreservices.com' <jdupilka@westshoreservices.com>;
'tkouw@westshoreservices.com' <tkouw@westshoreservices.com>;
'lmiller@westshoreservices.com' <lmiller@westshoreservices.com>

Subject: RE: <EXTERNAL-SENDER>Site Visit Request for FRP23-001 Mass Notification System
Importance: High

Good afternoon Jeff and thank you for your question regarding a site visit.

During the bid process we are unable to meet with you or answer questions outside of the BidExpress or Purchasing@kpb.us email process. This practice preserves fairness and integrity of the bid process. The Q&A Period for the subject project has been extended to 8/22/2022 4:00PM and we welcome your questions.

In terms of the proposed site visit, the sites are all publically accessible except for Lowell Point Siren which is located inside a fenced enclosure. You are welcome to visit them. As I explained earlier we cannot accompany you in person or provide an in person overview of the working system operation.

Thank you for your interest in Borough Projects.

Patti Hartley
Purchasing Assistant
Ph: (907) 714-2262

KENAI PENINSULA BOROUGH
47140 East Poppy Lane
Soldotna, Alaska 99669



From: Jeff Dupilka <jdupilka@westshoreservices.com>
Sent: Tuesday, August 16, 2022 10:02 AM
To: Purchasing Dept <Purchasing@kpb.us>
Cc: 'Jeff DuPika' <jdupilka@westshoreservices.com>; 'Thereasa Klouw' <tklouw@westshoreservices.com>; 'Luke Miller' <lmiller@westshoreservices.com>
Subject: <EXTERNAL-SENDER>Site Visit Request for FRP23-001 Mass Notification System

CAUTION:This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

Good Morning,

I would appreciate it if you could confirm a site visit request for me to meet with the Kenai Peninsula Borough staff to review the existing tsunami warning system.

During my onsite visit, I would like to review the control points and current system activation methods.

I want to visit some existing remote warning sites and discuss current system performance and maintenance.

My current schedule has me flying into Kenai at 11 am Thursday, August 25th. I plan on renting a car to drive to your facility to begin the review.

I would appreciate it if you could confirm this meeting.

I look forward to hearing back from you.

Regards,



Jeff DuPilka | President

West Shore Services, Inc. | 6620 Lake Michigan Drive, P.O. Box 188 | Allendale, MI 49401
(616) 895-4347 ext. 112 | Fax (616) 895-7158 | Cell (616) 291-0769





Integrated Notifications Systems, LLC.
A West Shore Services Company

Michigan Office - 6620 Lake Michigan Drive Allendale MI 49401
Alaska Office - 3062 North Circle Anchorage AK 99507

October 21, 2022

Borough Clerk
Attn: Johni Blankenship
144 N. Binkley Street
Soldotna, AK 99669

By Fax: 907-714-2388

RE: Appeal to the Assembly - Office of Emergency Management RFP 23-001 Mass
Notification System

Dear Mr. Blankenship,

Integrated Notification Systems, LLC, owned by West Shore Services, Inc., received the Mayor's final decision on the contract award for RFP 23-001 Mass Notification System.

Integrated Notification Systems, LLC requests the right to Appeal to the Assembly, in accordance with KPB 5.28.320(G). This appeal to the Assembly is being submitted in accordance with the above ordinance. This correspondence is timely within 3 business days of the date of Mayor Navarre letter to Integrated Notification Systems, LLC/West Shore Services Inc. A fax copy of this letter is hereby submitted.

If you have any questions, please contact us in writing via fax at 616-895-7158 or email lmiller@westshoreservices.com and jdupilka@westshoreservices.com or through the US Mail, 6620 Lake Michigan Dr., Allendale, MI 49401.

Respectfully,

Luke Miller
Director of Operations

In the matter of Appeal of)
MAYOR'S DECISION ON APPEAL)
DATED OCTOBER 19, 2022 REGARDING)
RFP 23-001 MASS NOTIFICATION)
SYSTEM)
INTEGRATED NOTIFICATIONS SYSTEMS,)
LLC.,)
Appellant)

KENAI PENINSULA BOROUGH

Case No. 2022-02-BAA

NOTICE OF APPEAL HEARING

Notice is hereby given that Luke Miller, Director of Operations for Integrated Notifications Systems, LLC. has filed an appeal of the Mayor's decision to uphold the award of contract for RFP 23-001 Mass Notification System.

Appeal Date and Time: This appeal will be heard by the Kenai Peninsula Borough Assembly on **Tuesday, November 15, 2022**, at the Borough Administration Building in the Betty J. Glick Borough Assembly Chambers located at 144 N. Binkley Street in Soldotna, beginning at **10:00 a.m.** All interested parties will be given an opportunity to address the assembly at this hearing in accordance with the rules set forth in KPB 5.28.320(K). *A copy of KPB 5.28.320 is attached herewith.*

Party Participation: You have been sent this notice because you have been identified as a party of interest in this matter. If you wish to participate in this appeal, you must submit your name, mailing address, telephone number and fax number to the Office of the Borough Clerk no later than **5:00 p.m., Wednesday, November 2, 2022**. This information may be faxed to (907) 714-2388 or e-mailed to assemblyclerk@kpb.us. All eligible parties submitting this information will be mailed an appeal packet prior to the hearing date. Failure to submit the requested information by the deadline will result in your dismissal as a party to this appeal.

Written Arguments: All written arguments, exhibits, evidence and affidavits supporting a party's position must be received in the Office of the Borough Clerk on or before **5:00 p.m., Tuesday, November 8, 2022**. This information may be faxed to (907) 714-2388 or e-mailed to assemblyclerk@kpb.us. Please review KPB 5.28.320 for more details.

October 26, 2022
Date


John Blankenship, MMC
Kenai Peninsula Borough Clerk

CERTIFICATE OF SERVICE

I, John Blankenship, Clerk of the Kenai Peninsula Borough, do hereby certify that on October 26, 2022, a true and correct copy of this document was served on the following by email, to the following listed below:

X

Signature

Integrated Notifications Systems, LLC Luke Miller lmiller@westshoresservices.com jdupilka@westshoresservices.com	John Hedges KPB Purchasing & Contracting Director jhedges@kpb.us
Jeffrey Duplika West Shores Services jdupilka@westshoreservices.com	Brenda Ahlberg KPB Office of Emergency Management, Manager bahlberg@kpb.us
Tarek Bassiouni Acoustic Technology Inc., dba ATI Systems tarek@atisystem.com	Sean Kelley KPB Attorney skelley@kpb.us
Stephen O'Hara Northern Support Services sohara@aknss.com	Andrea Gilbert Arcticom LLC / Bering Straits Native Association agilbert@beringstraits.com
Eric Amissah Ascension Associates Consulting ekamissah@aac-tech.com	Qais Alkurdi HQE Systems, Inc. bd@hqesystems.com



Integrated Notifications Systems, LLC.
A West Shore Services Company

Michigan Office - 6620 Lake Michigan Drive Allendale MI 49401
Alaska Office - 3062 North Circle Anchorage AK 99507

October 21, 2022

Borough Clerk
Attn: Johni Blankenship
144 N. Binkley Street
Soldotna, AK 99669

By Fax: 907-714-2388

RE: Appeal to the Assembly - Office of Emergency Management RFP 23-001 Mass
Notification System

Dear Mr. Blankenship,

Integrated Notification Systems, LLC, owned by West Shore Services, Inc., received the Mayor's final decision on the contract award for RFP 23-001 Mass Notification System.

Integrated Notification Systems, LLC requests the right to Appeal to the Assembly, in accordance with KPB 5.28.320(G). This appeal to the Assembly is being submitted in accordance with the above ordinance. This correspondence is timely within 3 business days of the date of Mayor Navarre letter to Integrated Notification Systems, LLC/West Shore Services Inc. A fax copy of this letter is hereby submitted.

If you have any questions, please contact us in writing via fax at 616-895-7158 or email lmiller@westshoreservices.com and jdupilka@westshoreservices.com or through the US Mail, 6620 Lake Michigan Dr., Allendale, MI 49401.

Respectfully,

Luke Miller
Director of Operations



Office of the Borough Mayor

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

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.

inspections and tests.

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 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.

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.

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.

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.

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 we requested 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.

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.

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.

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.

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.

Sincerely,



Mike Navarre
Borough Mayor

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

5.28.320 APPEAL

5.28.320. - Appeal.

A. *Appeal to mayor.* Any party bidding or submitting a proposal for a contract with the borough adversely affected by the provisions of this chapter, or regulations promulgated hereunder, or by any acts of the borough in connection with the award of a borough contract, may appeal to the mayor in a writing personally received at the office of the borough purchasing officer within 3 business days of the date of notice of intent to award a contract. The appeal may be hand delivered, delivered by mail, or by facsimile and must comply with the requirements of this section.

B. *Contents of appeal.* A written appeal shall, at a minimum, contain the following:

1. The name, address, and telephone number of the interested party filing the appeal;
2. The signature of the interested party or the interested party's authorized representative;
3. Identification of the proposed award at issue;
4. A statement of the legal or factual grounds for the appeal;
5. Copies of all relevant documents; and
6. A fee of \$300.00 shall be paid to the borough and must be received by the deadline for filing the written appeal. This fee shall be refundable if the appellant prevails in the appeal to the mayor or assembly.

C. *Rejection of appeal.* The purchasing officer shall reject an untimely or incomplete appeal or an appeal filed without timely payment of the required fee. Such rejection shall be final and may be appealed to the superior court pursuant to Part VI of the Rules of Appellate Procedure.

D. *Stay of award.* If a timely and complete appeal is filed with the fee, the award of the contract shall be stayed until all administrative remedies have been exhausted, unless the mayor determines in writing that award of the contract pending resolution of the appeal is in the best interests of the borough.

E. *Notice and response.* Notice of the stay and appeal shall be delivered to any party who may be adversely affected by the mayor's decision by facsimile, first class mail or in person within 3 business days of receipt of a properly filed appeal.

F. *Mayor's decision.* The mayor shall issue a written decision to the appellant within 10 business days of the date the appeal is filed. If multiple appeals have been filed, they may be consolidated for purposes of the decision. Copies of the appeal and decision shall be provided to any interested party requesting one. The decision may include any lawful action, including without limitation an amendment of all or any part of the recommended award. For good cause shown the mayor may extend the date for the decision for such additional period as may be necessary.

G. *Appeal to assembly.* The mayor's decision may be appealed to the assembly by filing a notice of appeal to the assembly and requesting the mayor to forward the written appeal and the mayor's response to the assembly. The assembly shall conduct a de novo review of the issue appealed. The request to appeal to the assembly must be submitted in writing or by facsimile copy of a writing to the borough clerk within 3 business days of the mayor's decision. Any appeal not timely filed shall be rejected by the clerk and the appeal forever barred. Appeals to the assembly will be heard at the date and time established by the assembly president, not less than 12 nor more than 35 days after receipt of the appeal. For good cause the assembly president may shorten or extend the hearing date.

H. *Notice and record on appeal.*

1. The clerk shall provide all interested parties as defined in paragraph A. above including the appellant, the borough administration, and any other parties who submitted or bid or proposal who may be adversely affected by a decision of the assembly, notice of the appeal and scheduled hearing date within 3 business days of receipt of the notice of appeal. Such notice shall also advise the parties of their right to appear and be heard at the appeal, and shall also set forth a schedule for written statements and submission of evidence.

2. The purchasing officer shall submit to the clerk the record of the bid or proposal process including the invitation to bid or request for proposal, any amendments thereto, all correspondence to or from all parties, the appeal filed to the mayor and supporting documentation, and the decision issued by the mayor. The clerk shall prepare the record on appeal, to include written statements and all evidence submitted, and provide copies to interested parties upon payment of appropriate copying fees. Prior to the scheduled hearing the clerk shall distribute copies of the record to all assembly members, the purchasing officer and the mayor.

I. *Quasi-judicial process.* The borough assembly shall act in its quasi-judicial capacity when considering an appeal under this section and shall accordingly remain impartial and refrain from ex parte contact with any interested party regarding a specific invitation to bid or request for proposals from the time it has been issued. Any assembly member found to have violated this provision shall be recused from participation in the appeal.

J. *Written arguments and evidence.* Written arguments and submittals of evidence shall be filed in the following manner:

1. *Written arguments due.* Written arguments shall be filed by the parties on a date set by the clerk no later than 5 business days prior to the hearing. All exhibits, evidence, and affidavits supporting a party's position shall be filed on the date written arguments are due.

2. *Party participation.* Any eligible party wishing to participate in the appeal must submit its mailing address, telephone and facsimile numbers, if any, to the clerk, in writing, within 5 business days of the clerk issuing notice of the appeal. The clerk shall provide the parties, the mayor and assembly with written submittals before the hearing date.

K. *Hearing.* The following procedures shall be followed by the assembly for conduct of the hearing:

1. *No new evidence.* Evidence not submitted to the clerk 5 business days prior to the hearing, may not be considered by the assembly unless good cause is shown. Good cause may include, but is not limited to, evidence that was not available to the party presenting the evidence at the time it was due to the clerk. Any objection to new evidence by any party shall be made at the time of the hearing before the assembly.

2. The following order and time limitations shall be followed for the hearing, unless for good cause shown the assembly permits a change:

- a. Appellant's Opening Presentation;
- b. Administration's Opening Presentation;
- c. Opening Presentation by any other Party;
- d. Rebuttal by the Appellant;
- e. Rebuttal and closing by the Administration;

- f. Rebuttal by any other interested party; and
- g. Sur-Rebuttal and closing by the Appellant.

3. If the appellant or representative is not present when called, the assembly shall consider any written presentation, evidence, and documents presented to it pursuant to and thereafter proceed according to the remaining applicable provisions of this chapter.

4. All persons presenting evidence shall do so under oath, administered by the borough clerk.

5. The hearing shall be conducted informally with respect to the introduction of evidence. Irrelevant evidence may be excluded by the presiding officer. Each interested party shall have a total of no more than 30 minutes to present their case. Each party shall be responsible for dividing their 30 minutes between oral presentation, argument, testimony (including witness testimony), and rebuttal. The board may expand or limit the length of the hearing depending on its complexity, or take other action to expedite the proceedings. Cross-examination will not be permitted during presentation of the case. If a witness testifies during presentation of either the appellant's or any other parties' case, unless excused by the board with the concurrence of the appellant and all other parties, the witness must remain available in the assembly room to be called to testify during rebuttal by the appellant and the administration or other interested party. Assembly questions and parties' responses shall not be included in the time limitation.

L. *Decision.*

1. The assembly may either uphold the mayor's decision, remand the matter back to the mayor or order a rejection of all bids or proposals. The assembly shall make written findings of fact which are supported by the substantial evidence in the record, written conclusions and an order. The assembly member chairing the hearing shall execute the order. If the matter is remanded to the mayor, any further appeals of the mayor's decision shall be to the superior court pursuant to Part VI of the Alaska Rules of Appellate Procedure.

2. "Substantial evidence" means relevant evidence a reasonable mind might accept to support a conclusion.

3. The clerk shall serve the written decision on the parties in person or by mail within 10 business days after the oral decision. If facsimile service is requested by a party, service by U.S. mail shall follow.

M. *Appeal to superior court.* Appeals may be taken from the written decision of the assembly within 30 days of the date of the decision pursuant to Part VI of the Alaska Rules of Appellate Procedure.

(Ord. No. 2010-32, §§ 1—3, 10-12-10; Ord. No. 2003-10, § 1, 4-15-03; Ord. No. 96-07, § 1, 1996; Ord. No. 87-29, § 1(part), 1987)



Integrated Notifications Systems, LLC.

A West Shore Services Company

Michigan Office - 6620 Lake Michigan Drive Allendale MI 49401

Alaska Office - 3062 North Circle Anchorage AK 99507

October 6, 2022

Purchasing & Contracting Department
Attn: John Hedges, Purchasing and Contracting Director
47140 E. Poppy Lane
Soldotna, AK 99669

RE: Appeal of RFP23-001 Mass Notification System

Dear Director Hodges,

In accordance with Kenai Borough chapter 5.28 of the KPB code, we hereby officially appeal/protest the award for RFP 23-001 Mass Notification System, released by the Kenai Peninsula Borough on August 2, 2022. Our appeal/protest complies with the requirement of KPB 5.28.32 of the Borough code, and is being hand-delivered with the required \$300.00 fee as of this date.

As outlined in section B in contents of appeal, we have provided the requested information for our appeal under the six requirements listed.

B.

Contents of appeal. A written appeal shall, at a minimum, contain the following:

1.

The name, address, and telephone number of the interested party filing the appeal;

Integrated Notification Systems, L.L.C- A company owned by West Shore Services, Inc

a. Primary Contacts:

i. Jeff DuPilka – O: 616-895-4347ext. 112, C: 616-291-0769

ii. Luke Miller – O: 616-895-4347 ext. 171, C: 616-262-0082

b. Principle Address for Main Office

i. 6620 Lake Michigan Dr., PO Box 188, Allendale, MI 49401

2.

The signature of the interested party or the interested party's authorized representative;

Signature line below

3.

Identification of the proposed award at issue;

Notice of Intent to Award HQE Systems Inc. dated October 3, 2022 subject request for proposal- RFP23-001 Mass Notification System

4.

A statement of the legal or factual grounds for the appeal;

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 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.

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.

Page 19, section 5.1 of the original RFP states that there is 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.

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.

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 we requested 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.

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.

5.

Copies of all relevant documents; and

HQE's Mass Notification Survey in Addendum No. 2

6.

A fee in the amount listed in the most current Kenai Peninsula Borough Schedule of Rates, Charges and Fees shall be paid to the borough and must be received by the deadline for filing the written appeal. This fee shall be refundable if the appellant prevails in the appeal to the mayor or assembly.

A fee of \$300.00 is enclosed with this correspondence.

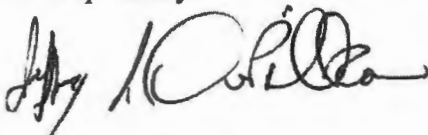
In conclusion, please consider this letter to be a formal protest against any award of this contract RFP23-001 Mass Notification System. We reserve the right to supplement this protest with additional facts when we receive the actual RFPs from other vendors through the Freedom of Information Act.

We also request notice to have all meeting notes, evaluation sheets, emails, and correspondences between Borough staff regarding the award of this contract. We ask those to be faxed or emailed to our 616-895-7158 or jdupilka@westshoreservices.com, concerning this project as soon as possible and are available for our review.

If in the event this letter is insufficient to accomplish the above-mentioned task and purposes of the appeal process, please notify us in writing within five business days of receiving this correspondence, and we will immediately comply with any additional requests.

We respectfully request that the Borough set aside the proposed award for this project to HQE, revise the specifications to eliminate misleading information provided in the bid, which in our opinion, specifically relates to siren output and SPL and also review the inaccurate information that was provided on the Boroughs existing system performance, which was not only inaccurate and would be misleading to vendors when considering solutions that would be in the best interest of the Borough.

Respectfully,



Jeffrey DuPilka
President

JD/Tk

From: [Jeff DuPilka](#)
To: ["Purchasing Dept"; tkluuw@westshoreservices.com; lmiller@westshoreservices.com](#)
Cc: ["Jeff DuPika"](#)
Subject: RE: <EXTERNAL-SENDER>Site Visit Request for FRP23-001 Mass Notification System
Date: Tuesday, August 16, 2022 8:39:50 PM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)

Hi Patti,

It was my understanding from the discussion during the pre-proposal conference that anyone who wanted to make a site visit was welcomed and would be accommodated. That included, I believe, something along the lines of feel free to come down, and someone will be available to meet with you.

This complex project requires extra effort to gain information to allow the best possible proposal for the long-term warning system for the Borough.

As far as fairness goes, it seems like anyone else who is interested would also have the same opportunity to review the Borough's current system. Just for clarification, I fully understand that the review of the remote siren sites would be on my own.

I would ask that you reconsider my request to meet to review the control points, etc, as I asked in my original requests. I would also like to know if the consultant you hired to provide recommendations will be allowed to submit a proposal as I asked in my second round of questions.

I look forward to hearing back from you.

Enjoy your evening.

Best Regards,



Jeff DuPilka | President
West Shore Services, Inc. | 6620 Lake Michigan Drive, P.O. Box 188 | Allendale, MI 49401
(616) 895-4347 ext. 112 | Fax (616) 895-7158 | Cell (616) 291-0769



From: Purchasing Dept [mailto:Purchasing@kpb.us]
Sent: Tuesday, August 16, 2022 7:23 PM
To: 'jdupilka@westshoreservices.com' <jdupilka@westshoreservices.com>;
'tkluuw@westshoreservices.com' <tkluuw@westshoreservices.com>;
'lmiller@westshoreservices.com' <lmiller@westshoreservices.com>

Subject: RE: <EXTERNAL-SENDER>Site Visit Request for FRP23-001 Mass Notification System
Importance: High

Good afternoon Jeff and thank you for your question regarding a site visit.

During the bid process we are unable to meet with you or answer questions outside of the BidExpress or Purchasing@kpb.us email process. This practice preserves fairness and integrity of the bid process. The Q&A Period for the subject project has been extended to 8/22/2022 4:00PM and we welcome your questions.

In terms of the proposed site visit, the sites are all publically accessible except for Lowell Point Siren which is located inside a fenced enclosure. You are welcome to visit them. As I explained earlier we cannot accompany you in person or provide an in person overview of the working system operation.

Thank you for your interest in Borough Projects.

Patti Hartley
Purchasing Assistant
Ph: (907) 714-2262

KENAI PENINSULA BOROUGH
47140 East Poppy Lane
Soldotna, Alaska 99669



From: Jeff Dupilka <jdupilka@westshoreservices.com>
Sent: Tuesday, August 16, 2022 10:02 AM
To: Purchasing Dept <Purchasing@kpb.us>
Cc: 'Jeff DuPika' <jdupilka@westshoreservices.com>; 'Thereasa Klouw' <tklouw@westshoreservices.com>; 'Luke Miller' <lmiller@westshoreservices.com>
Subject: <EXTERNAL-SENDER>Site Visit Request for FRP23-001 Mass Notification System

CAUTION:This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

Good Morning,

I would appreciate it if you could confirm a site visit request for me to meet with the Kenai Peninsula Borough staff to review the existing tsunami warning system.

During my onsite visit, I would like to review the control points and current system activation methods.

I want to visit some existing remote warning sites and discuss current system performance and maintenance.

My current schedule has me flying into Kenai at 11 am Thursday, August 25th. I plan on renting a car to drive to your facility to begin the review.

I would appreciate it if you could confirm this meeting.

I look forward to hearing back from you.

Regards,



Jeff DuPilka | President

West Shore Services, Inc. | 6620 Lake Michigan Drive, P.O. Box 188 | Allendale, MI 49401
(616) 895-4347 ext. 112 | Fax (616) 895-7158 | Cell (616) 291-0769



REQUEST FOR PROPOSAL



KENAI PENINSULA BOROUGH Office of Emergency Management

RFP23-001 Mass Notification System

Release Date:	August 2, 2022
Pre-Proposal Conference:	August 8, 2022 at 11:00 AM - VIA ZOOM
Proposal Due Date:	August 25, 2022, no later than 4:00 PM Kenai Peninsula Borough Purchasing and Contracting Office 47140 E Poppy Lane Soldotna, Alaska 99669



Kenai Peninsula Borough Legal Notice

REQUEST FOR PROPOSAL

RFP23-001 Mass Notification System

The Kenai Peninsula Borough hereby invites qualified firms to submit proposals for acceptance by the Borough to update 14 siren sites, including the hardware and software components, while maintaining the functionality and redundancy of the current system during the replacement process. Additional siren sites or indoor alerting capabilities may be added; therefore, proposals should include: 1) the cost to replace the 14 siren sites; 2) the cost to add a single new siren site; and 3) the cost to add audio and visual alerting capabilities inside and outside of buildings.

This project shall be funded in part through the Alaska Division of Homeland Security and Emergency Management "State Homeland Security Program," a federal pass-thru grant, the full and complete terms and provisions of which shall be incorporated by this reference in the RFP and in the covered transaction. Federal funds for this project are identified by the Catalog of Federal Domestic Assistance (CFDA) #97.067 U.S. Department of Homeland Security, Federal Emergency Management Agency. The federal program regulations 2 CFR 200, as applicable to the contractor, may be found online at <https://ecfr.gov>, Title 2 – Grants and Agreements.

A pre-proposal conference will be held August 8, 2022 at 11:00 AM via Zoom <https://us02web.zoom.us/j/87303239001> or call (888) 788-0099. Attendance at the pre-proposal conference is not mandatory but is strongly recommended.

Proposal documents may be obtained beginning August 2, 2022 online at <http://www.kpb.us/purchasing/opportunities>. Hard copies can be picked up at the Office of Emergency Management 253 Wilson Ln., Soldotna AK 99669. Call 907-262-4910 to arrange pickup.

If submitting a proposal in hard copy six (6) complete sets of the proposal package must be submitted to the Kenai Peninsula Borough, Purchasing and Contracting Department at 47140 E Poppy Lane, Soldotna, Alaska 99669. If submitting a hard copy proposal, these forms must be enclosed in a sealed envelope with the bidder's name on the outside and clearly marked:

BID: RFP23-001 Mass Notification System

DUE DATE: August 25, 2022, no later than 4:00 PM

Proposals may also be submitted electronically following the submission process through BidExpress.com.

Kenai Peninsula Borough

Publish: Peninsula Clarion – August 2, 2022
Homer Daily News – August 4, 2022
Anchorage Daily News – August 2, 2022

**REQUEST FOR PROPOSALS
MASS NOTIFICATION SYSTEM**

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REQUEST FOR PROPOSAL

1.0 **GENERAL INFORMATION**

In an effort to make the solicitation process more efficient and cost effective for both vendors and the agency, the Kenai Peninsula Borough (Borough) has adopted an electronic bidding process for Invitations to Bid and Requests for Proposal. Electronic bids/proposals may be submitted at the [BidExpress.com](https://www.bidexpress.com) website as the primary method of bid/proposal submission. For a limited time, paper bids/proposals will continue to be accepted, but it is strongly recommended vendors become familiar with the electronic process as soon as possible to prepare for future plans to only accept electronic bids/proposals.

1.1 Purpose

The Kenai Peninsula Borough (Borough) Office of Emergency Management is requesting proposals from qualified firms to replace the siren warning system with a comprehensive mass notification system (System). The base-bid proposal will include the replacement of 14 siren sites, including the hardware and software components, while maintaining the functionality and redundancy of the current system during the replacement process. Additional siren sites or other alerting capabilities may be added to this project based upon funding availability; therefore, firms may include information, detailed below, for 1) the cost for a single new siren site; 2) the cost for audio and visual alerting capabilities inside and outside of buildings; and 3) the cost for mobile device that may activate single siren locations.

The ongoing objective for this project is to maintain a fully functioning System that activates immediately with ongoing notifications of a threat to life and property from an anticipated tsunami wave or other emergency event to the impacted coastal communities. Proposals must demonstrate the capability to operate old and new systems during the installation and transition processes.

1.2 Background

The Borough encompasses 24,737 square miles with more than 58,000 residents residing in 27 diverse unincorporated communities or six municipalities. The Office of Emergency Management (OEM) has the day-to-day responsibility and authority to manage disasters and emergencies within the Borough. During a tsunami warning or other emergency event, the System announces the expected emergency and the need to take immediate action. The OEM Emergency Operations Plan identifies the System as vital to ensure our coastal communities are well aware of emergencies and the effects that could dramatically impact their safety. The System is comprised of 14 siren sites along the coastal inundation zones of Kachemak Bay and Resurrection Bay. These communities include Homer, Nanwalek, Port Graham and Seldovia (Kachemak Bay communities) as well as Lowell Point and Seward (Resurrection Bay communities). Access by boat, barge, or air is required for some remote sites. Since 2018, the System has been activated five times for tsunami warnings and

subsequent “all-clear” announcements. The System is used in conjunction with other borough systems including the KPB Alerts Notification System to broadcast messages related to the emergency that is unfolding. The system also performs automated testing which is scheduled and logged in the central management software. Test routines include but are not limited to scheduled audible tests, scheduled inaudible and scheduled connectivity tests all at independently selected locations. Manual inaudible tests are also conducted during on-site preventative maintenance visits. The system also performs inaudible tests in response to scheduled NOAA transmissions, with these events logged in the central management software.

Due to the wide range of potential natural or manmade disaster events that can occur within the Borough, the System must be robust and adaptable, using different forms of technology to ensure redundancy and resiliency. The current System uses the Federal Signal outdoor warning system comprised of base station, Federal Signal S2000 central control unit software (“CommanderOne”) and 14 outdoor warning sirens using AC main to battery backup. The CommanderOne software can be remote accessed, including mobile alert management through a smart phone app. Siren site communications is limited to ISP DSL or SATCOM. The Nanwalek, Port Graham and Seldovia sites receive their DSL connections via a microwave shot from Homer. The microwave shot is limited and highly unreliable. There are satellite receivers that are degraded, requiring “warm start” procedures that are time consuming; said receivers record low connectivity signals. The primary base station is located in the Emergency Response Center and is activated through the common NOAA weather radio frequencies. Signaling on these frequencies has been solely available to NOAA. OEM staff can activate the System after the NOAA activation as well as generate the all-clear messaging. The .wav file messages have been preprogrammed into the System with the option to update programming based upon areawide or single point messaging needs. However, the current System is not configured nor does it have the capabilities to activate local, live public address announcements. The text-to-speech option is also nonfunctioning due to challenges with siren outputs that have weak or ineffective acoustic array resulting in indiscernible voice output.

Siren numbers, addresses, accessibility and mapped locations:

AREA A

A.1	Homer Harbor	Homer	4348 Homer Spit Road	Road system
A.2	Homer Spit Ice Rink	Homer	3150 Homer Spit Road	Road system
A.3	Homer Spit Mariner	Homer	1920 Homer Spit Road	Road system
A.4	Homer Fish & Game	Homer	3298 Douglas Place	Road system
A.5	Homer Bishops Beach	Homer	3300 Beluga Place	Road system

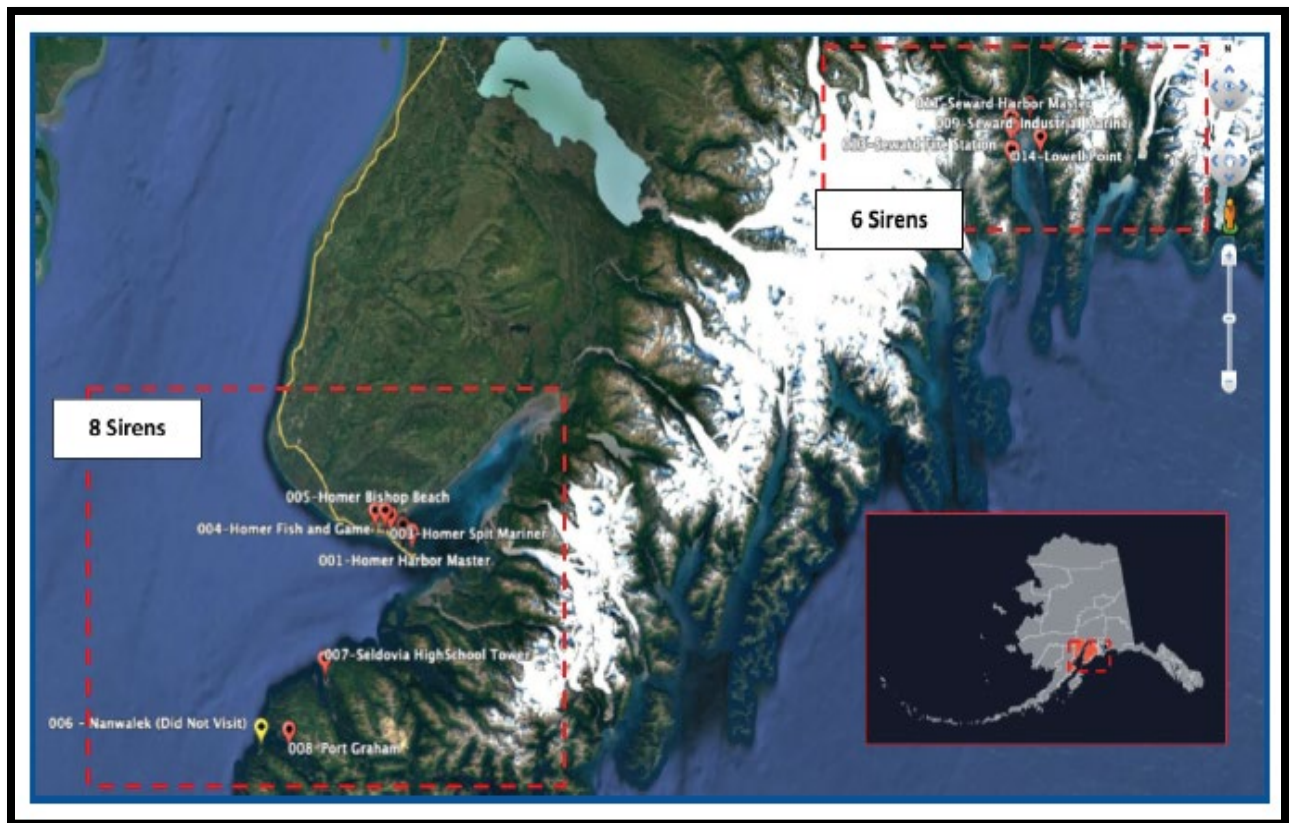
AREA B

B.6	Nanwalek School	Nanwalek	63550 Alexandrovsky Street	Boat or plane
B.7	Seldovia High School	Seldovia	365 Winifred Avenue	Boat or plane
B.8	Port Graham School	Port Graham	63693 Graham Road	Boat or plane

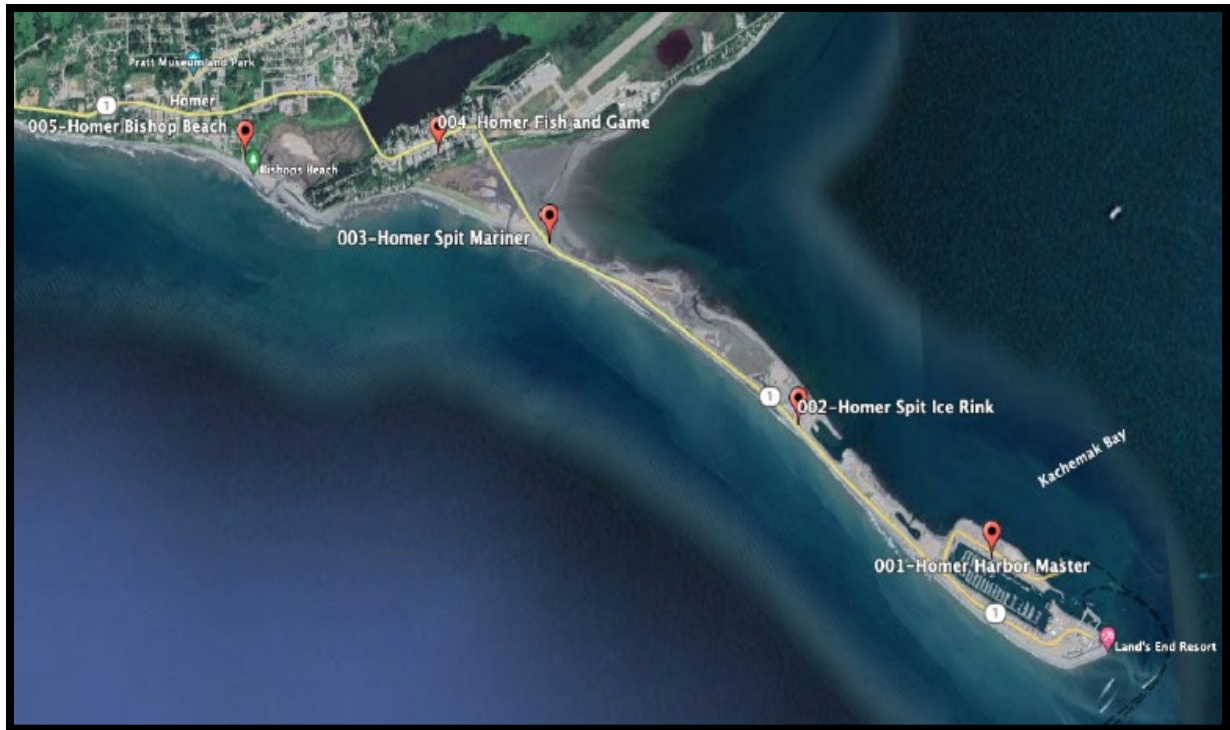
AREA C

C.9	Seward Marine Industrial Center	Seward	200 Nash Road	Road system
C.10	Nash Road	Seward	33675 Nash Road	Road system
C.11	Seward Harbor	Seward	1300 Fourth Avenue	Road system
C.12	Seward High School	Seward	304 Sea Lion Avenue	Road system
C.13	Seward Fire Dept	Seward	316 Fourth Avenue	Road system
C.14	Lowell Point	Lowell Point	13910 Lowell Pt Road	Road system

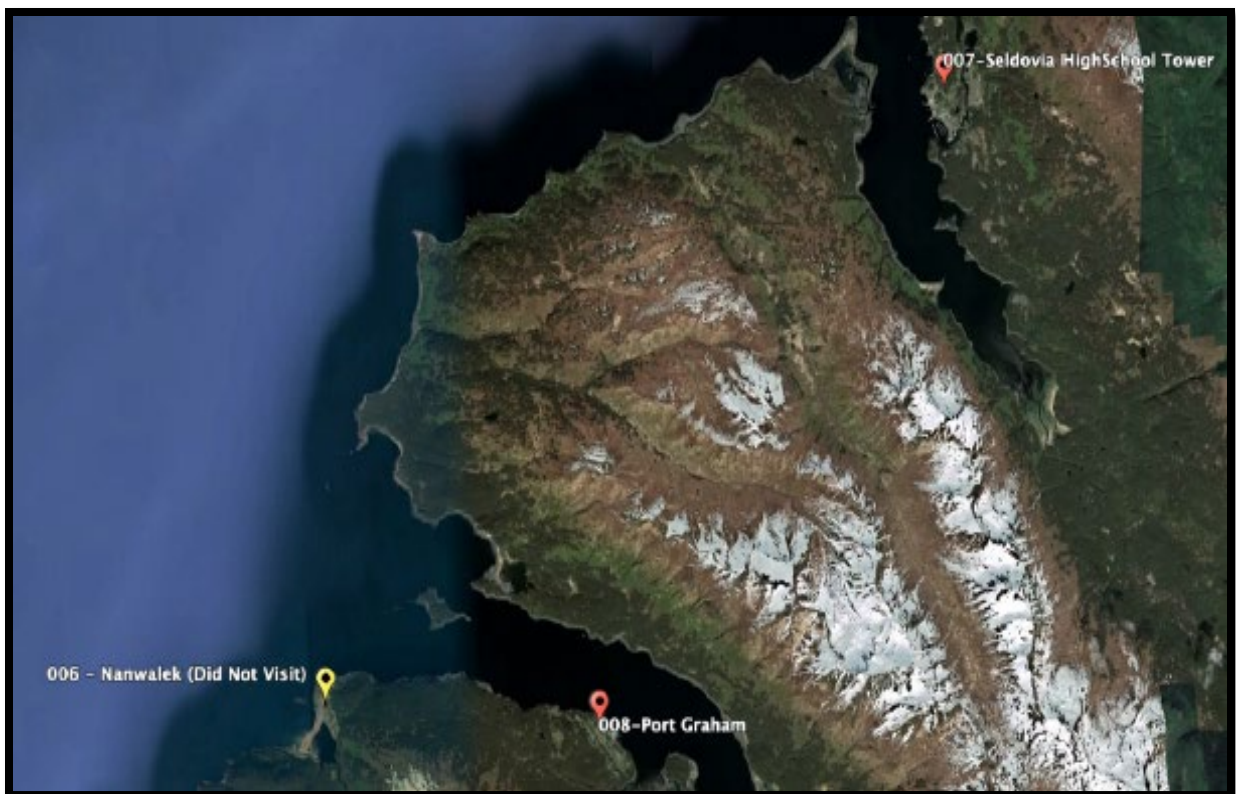
ALL SITE AREAS



AREA A



AREA B



AREA C



1.3 Questions

Any questions regarding this proposal are to be submitted **in writing** to the Purchasing and Contracting Director by no later than 4:00 PM local time Thursday August 12, 2022. Questions may be submitted through the online questions and answers section of this bid on BidExpress.com, faxed to (907) 714-2373 or emailed to purchasing@kpb.us. The subject line of the email should read: **"Questions: RFP23-001 "Mass Notification System."**

Verbal requests for information will not be accepted. Questions or requests for clarification directed to 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 compiled, answered and distributed to all prospective proposers.

1.4 Preparation Costs

The Borough shall not be responsible for proposal preparation cost, nor for cost including attorney fees associated with any (administrative, judicial or otherwise) challenge to the determination of the highest ranked proposer and/or award of contract and/or rejection of proposal. By submitting a proposal, each proposer agrees to be bound in this respect and waives all claims to such costs and fees.

1.5 Additional Services

Additional Services shall consist of providing any other services not included in the firm's basic services and may be authorized by a change order signed by both parties and compensated at the rate listed in the firm's Fee Schedule for Additional Services. The fee schedule should be included with the cost proposal portion of the submitted proposal.

1.6 Timeline

Advertise for Proposals.....	August 2, 2022
Pre-Proposal Meeting – 11:00 AM - Zoom Conference Call.....	August 8, 2022
https://us02web.zoom.us/j/87303239001 or call (888) 788-0099	
Final Questions Due by 4:00 PM	August 12, 2022
Proposals Due by 4:00 PM	August 25, 2022
Proposal Evaluation.....	August 31, 2022
Intent to Award.....	September 8, 2022
Project Kick Off Meeting	7 days from Notice to Proceed
Complete Design with Construction Documents	45 days from Notice to Proceed
Commissioning Plan Execution.....	310 days from Notice to Proceed
Project Completion.....	365 days from Notice to Proceed

1.7 Funding Source

Local bidder's preference is not allowed. A portion of this project may be funded through the Alaska Division of Homeland Security and Emergency Management "State Homeland Security Program," a federal pass-thru grant, the full and complete terms and provisions of which shall be incorporated by this reference in the RFP and in the covered transaction. Federal funds for this project are identified by the Catalog of Federal Domestic Assistance (CFDA) #97.067 U.S. Department of Homeland Security, Federal Emergency Management Agency. The federal program regulations 2 CFR 200, as applicable to the contractor, may be found online at <https://ecfr.gov>, Title 2 – Grants and Agreements. As such, the successful proposer must comply with all federal grant requirements. The federal administrative regulations are cited in 2 CFR 200 Appendix II and 24 CFR 85.36(i) as excerpted:

(i) Contract provisions. A grantee's and subgrantee's contracts must contain provisions in paragraph (i) of this section. Federal agencies are permitted to require changes, remedies, changed conditions, access and records retention, suspension of work, and other clauses approved by the Office of Federal Procurement Policy.

(1) Administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as may be appropriate. (Contracts more than the simplified acquisition threshold)

(2) Termination for cause and for convenience by the grantee or subgrantee including the manner by which it will be effected and the basis for settlement. (All contracts in excess of \$10,000)

(3) Compliance with Executive Order 11246 of September 24, 1965, entitled "Equal Employment Opportunity," as amended by Executive Order 11375 of October 13, 1967, and as supplemented in Department of Labor regulations (41 CFR chapter 60). (All construction contracts awarded in excess of \$10,000 by grantees and their contractors or subgrantees)

(4) Compliance with the Copeland "Anti-Kickback" Act (18 U.S.C. 874) as supplemented in Department of Labor regulations (29 CFR part 3). (All contracts and subgrants for construction or repair)

(5) Compliance with the Davis-Bacon Act (40 U.S.C. 276a to 276a-7) as supplemented by Department of Labor regulations (29 CFR part 5). (Construction contracts in excess of \$2000 awarded by grantees and subgrantees when required by Federal grant program legislation)

(6) Compliance with Sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-330) as supplemented by Department of Labor regulations (29 CFR part 5). (Construction contracts awarded by grantees and subgrantees in excess

of \$2000, and in excess of \$2500 for other contracts which involve the employment of mechanics or laborers)

(7) Notice of awarding agency requirements and regulations pertaining to reporting.

(8) Notice of awarding agency requirements and regulations pertaining to patent rights with respect to any discovery or invention which arises or is developed in the course of or under such contract.

(9) Awarding agency requirements and regulations pertaining to copyrights and rights in data.

(10) Access by the grantee, the subgrantee, the Federal grantor agency, the Comptroller General of the United States, or any of their duly authorized representatives to any books, documents, papers, and records of the contractor which are directly pertinent to that specific contract for the purpose of making audit, examination, excerpts, and transcriptions.

(11) Retention of all required records for three years after grantees or subgrantees make final payments and all other pending matters are closed.

(12) Compliance with all applicable standards, orders, or requirements issued under section 306 of the Clean Air Act (42 U.S.C. 1857(h)), section 508 of the Clean Water Act (33 U.S.C. 1368), Executive Order 11738, and Environmental Protection Agency regulations (40 CFR part 15). (Contracts, subcontracts, and subgrants of amounts in excess of \$100,000.)

(13) Mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act (Pub. L. 94-163, 89 Stat. 871).

Debarment and Suspension

The Borough is required to confirm that any business or individuals entering into a covered transaction is not listed in the Federal Excluded Parties List System (EPLS) [www.sam.gov] (2 CFR 180; 2 CFR 200). EPLS verification shall be maintained during the period of contract. Additionally, the contractor shall not enter into a subcontract for any of the work performed under a covered transaction without obtaining the prior written approval from the Borough. Upon approval, the contractor shall contain, at a minimum, sections of the federal program requirements pertaining to debarring and suspending vendors, lobbying certifications, audit requirements, and/or any other Federal, state and local requirements specific to the project or project activities in the amount of \$25,000 or greater (2 CFR 180 Subpart C).

2.0 RULES GOVERNING COMPETITION

2.1 Examination of Proposals

Proposers should carefully examine the entire Request for Proposal (RFP) RFP23-001 "Mass Notification System" and any addenda thereto, and all related materials and data referenced in the RFP. Proposers should become fully aware of the nature of the work and the conditions likely to be encountered in performing the work.

2.2 Proposal Acceptance Period

Award of this proposal is anticipated to be announced within 30 calendar days, although all offers must be complete and irrevocable for 90 days following the submission date.

2.3 Confidentiality/Proprietary Information

After award of the contract, proposals become public information except for proprietary information. If a proposer wishes individual pages that contain actual business, proprietary information to be held confidential, each page must be marked and an explanation furnished as to its proprietary nature. In addition to marking individual pages, the Proposal's Cover will also be annotated with the words "THIS PROPOSAL CONTAINS PROPRIETARY INFORMATION". "Confidential and Proprietary" information is not meant to include any information which, at the time of disclosure, is generally known by the public and/or competitors.

2.4 Proposal Format

Proposals are to be prepared in such a way as to provide a straight forward, concise delineation of the proposers' capabilities to satisfy the requirements of this RFP. Emphasis should be concentrated on:

- (1) conformance to the RFP instructions;
- (2) responsiveness to the RFP requirements;
- (3) completeness and clarity of content.

2.5 Local Preference

Local preference is not allowed due to the federal funding source of project reimbursement.

2.6 Signature Requirements

All proposals **must** be signed (digitally through BidExpress.com or manually). A proposal may be signed by: an officer or other agent of a corporate vendor, if authorized to sign

contracts on its behalf; a member of a partnership; an owner of a privately-owned vendor; or other agent if properly authorized by a power of attorney or equivalent document. The name and title of the individual(s) signing the proposal must be clearly shown immediately below the signature.

2.7 Proposal Submission

Submit one original and five (5) copies of the complete technical proposal package no later than 4:00 p.m. local time Thursday August 25, 2022 to the Purchasing and Contracting Department, 47140 E Poppy Lane, Soldotna, Alaska 99669, with one (1) copy of the Cost Proposal packet in a separate sealed envelope. Proposals shall be completely sealed in an envelope, or package, clearly marked with the company name. The Borough reserves the right to establish any and all elements or terms of this proposal. All proposals submitted shall be binding upon the firm if accepted by the Borough.

Please note that overnight delivery from the lower 48 states is generally not available. Proposal packets delivered by mail or carrier service must arrive to the Purchasing and Contracting Department on or before Thursday August 25, 2022 no later than 4:00 p.m. Carrier time stamps or postal date cancelations do not meet the certified delivery requirements.

2.8 Tax Compliance

Kenai Peninsula Borough Code requires that businesses or individuals contracting to do business with the Borough be in compliance with Borough tax provisions. No contract will be awarded to any individual or business found to be in violation of the Borough Code of Ordinances in several areas of taxation.

2.9 Licenses and Certifications

Proposers shall include with their proposals copies of all licenses, certificates, registrations and other credentials required for performance under the contract. Documentation must be current and must have been issued by or under authority of the State of Alaska or, if documentation is from an outside jurisdiction, such documentation must be accepted as valid by the State of Alaska for performance in Alaska. Such documentation shall include, but is not limited to, Alaska business license and applicable professional licenses, registrations and certificates.

2.10 News Releases

News releases pertaining to the award resulting from the RFP shall not be made without prior written approval of the Borough's Purchasing and Contracting Director.

2.11 Disposition of Proposals

All materials submitted in response to this RFP will become the property of the Kenai Peninsula Borough. One (1) copy shall be retained for the official files of the Purchasing and Contracting Office and will become public record after award of the Contract.

2.12 Oral Change/Interpretation

No oral change or interpretation of any provision contained in this RFP is valid whether issued at a pre-proposal conference or otherwise. Written addenda will be issued when changes, clarifications, or amendments to proposal documents are deemed necessary by the Borough.

Proposer shall acknowledge receipt of each addendum in the space provided on the Cost Proposal Form. Only a proposal acknowledging receipt of all addenda may be considered responsive, unless the addendum, in the opinion of the mayor or the agency head, would have no material effect on the terms of the proposal.

2.13 Modifications of Proposals

Modifications will be accepted by the Borough, and binding upon the responding firm, where the modification:

- Is received by the Borough at the place designated for submission of RFP responses prior to the deadline.
- Is sealed in an envelope clearly stating RFP23-001 "Mass Notification System" and the name of the responding firm.
- Is signed by the same individual who signed the original submittal.

Should there be more than one submittal modification from a responding firm, the last modification received prior to the deadline shall be opened and applied to the submittal. All earlier modifications shall be returned to the responding firm unopened.

Modifications to electronically submitted proposals may be made any time prior to the proposal deadline using BidExpress.com.

Any modification, which fails to meet any requirement of this section, shall be rejected and the submittal shall be considered as if no modification had been attempted.

2.14 Late Submissions

PROPOSALS NOT RECEIVED PRIOR TO THE DATE AND TIME SPECIFIED IN THIS RFP WILL NOT BE CONSIDERED.

2.15 Withdrawal of Proposals

At any time prior to scheduled closing time for receipt of RFP submittals, any responding firm may withdraw their submittal, either personally or by written request. However, a proposal may not be withdrawn after opening without the written consent of the Borough.

2.16 Acceptance – Rejection of Proposals

The Borough may reject any or all proposals if the mayor determines that it is in the best interest of the Borough and may waive irregularities, other than the requirements for timeliness and manual signature, if the irregularities do not affect the competitive advantage of any proposer.

If any proposer has interest in more than one proposal, all proposals in which such proposer has interest shall be rejected. A party who has quoted prices to a proposer is not thereby disqualified from quoting prices to other proposers or from submitting a proposal directly for the project.

2.17 Choice of Law and Jurisdiction

The laws of the State of Alaska shall govern this RFP, and any legal action brought thereon shall be filed in the Third Judicial District at Kenai, Alaska.

2.18 Conflicts of Interests

No member of the governing body of the Kenai Peninsula Borough or other officer, employee or agent of the Borough who exercises any functions or responsibilities in connection with the carrying out of the project shall have any personal interests, direct or indirect, in any ensuing contract as a result of this Request for Proposal, without first disclosing his/her potential conflict, by submitting a letter to the Borough Clerk's Office establishing their "intent to do business with the Borough" (KPB 2.58.050). The proposer for itself and its principal employees, officers, agents, directors or shareholders covenants that neither the proposer nor any of the listed classes of individuals has nor shall acquire any interest, direct or indirect, in the project, direct or indirect, to which the contract pertains which would conflict in any manner or degree with the performance of its work hereunder. The selected proposer further covenants that in its performance of the contract no person having such interest shall be employed, without first disclosing his/her potential conflict.

3.0 **SCOPE OF WORK**

The intent of the Mass Notification System (System) is to provide warning tones and messages that inform citizens of emergencies and life-safety events that are transpiring. As such, submitted proposals will be reviewed and contract awarded to the firm that best

demonstrates a clear, robust and thorough proposal of multiple activation methodologies, equipment, technologies and experience for the new System.

OEM is requesting proposals from qualified firms to provide a comprehensive replacement of the System that is currently comprised of Federal Signal components. The proposal must include the full replacement costs for 14 siren sites including the hardware, electronic, satellite, speakers, software and activation components or circuitry.

The successful proposer must include the following system requirements in their proposal:

1. The proposer will install all equipment and components and ensure complete functionality of the System. The replacement System, at a minimum, must perform all functions and features of the current system as well as address current system gaps. Reference Appendix A "Current System Functions and Schematics."
2. The proposer must conduct a sound propagation analysis to ensure that the installed sirens will broadcast the spoken word in understandable and comprehensible audio within the expected area of coverage being served for each site location. Activation section may be prerecorded messages, local live activation, voice-over or text-to-speech with options for system-wide activation or single site activation. For each, site coverage models will vary due to geographical topology, vegetation, extreme weather or surrounding building density.
3. The proposer must demonstrate the capability of maintaining the functionality and redundancy of the current system during the system replacement process. The old and new system must be able to operate simultaneously during the transition process.
4. Proposals must include .wav file messages preprogramed into the System with the capability to update or program new messages based upon areawide or single point messaging needs. These files include but are not limited to: all-clear, child abduction, tsunami warning, volcano warning, evacuate immediately, high wind warning, shelter in place warning, noon whistle chime, steady siren 30 seconds, steady siren 180 seconds, and Westminster chimes 10 seconds.
5. Proposals must include System capability to record and report all activations to the end user through the smart phone app and through the central management software. Reporting must include audio verification of all sirens. Additionally, reporting must be done by any siren that may not have activated during an event. Any failed siren must have the capability to report to the System once connectivity is restored. All "side channel activations" must be logged in the central management software.
6. Proposals must include remote activation by smart phone client; IOS and android technology is required. Activation via smart phone app must have the options of activating preprogrammed messages to one siren, a selected group of sirens and to all sirens.

7. The central management software must be designed to eliminate any single point of failure, and thus should operate on multiple servers at multiple locations. The current Federal Signal central management software runs on three (3) recently installed Dell PowerEdge T340s with redundant power and storage. The Borough also has virtual infrastructure available to run additional servers. Proposals can consider the use of the three existing servers and the potential to instantiate new virtual machines to operate proposed central management software.
8. The central management software must be resilient such that any one server failure will not impede functionality. Furthermore, servers should not require Borough intervention in order to function properly in the case of a reboot or power loss & recovery. The software operating, monitoring, and activating the Mass Notification System must be designed to run in the background, such that interactive user login is not required for automated features to function. Likewise, any cloud-based functionality must operate independent of interactive user login on the management servers.
9. The current system has new Cisco C1111X-8P ISR Routers for every siren location. The use of these routers should be factored into the proposer's ethernet network design. Routers have two (2) routed ports (LAN/WAN) plus eight (8) switched ethernet ports. Switched ethernet ports support up to four (4) POE devices, see Cisco documentation for the C1111X-8P for POE spec and compatibility info.
10. All electronic devices requiring authentication must be configured with non-default credentials that are provided to Borough during or after implementation. Proposer must provide documentation for maintaining passwords within the system, for any component requiring authentication. This documentation should include clear instructions for changing passwords as well as a clear explanation of failures and recovery from failures due to password changes.
11. Proposals must include a minimum of three (3) siren system activation methods which may include: Ethernet via carrier provided or privately managed circuit, satellite receivers, UHF radios, cellular or other appropriate technology that has proven to be successful. Consideration will be given to proposers who use more than three methods of activation. Proposals should evaluate the feasibility to create interconnection with existing repeaters. Note: NOAA weather radio activation is currently used, and should be incorporated into the design for the new system, but should not be listed as one of the three primary activation methods in the proposal.
12. Proposals must include costs for all-inclusive fees associated with activation methods, i.e. per message or per kilobyte/megabyte/etc. charges, should clearly identify those potential charges.
13. The System must be capable of prioritizing activation methods that do not have per message or per kilobyte/megabyte/etc. fees, while still automatically utilizing other activation methods if the low cost activation method is unavailable.

14. All proposed equipment must be appropriate for the harsh, Alaska temperatures and climate, including heavy ice and snow loads, 100+ MPH wind speeds, magnitude 10 earthquakes as well as temperatures -40°F to 90°F.
15. The cost proposal must include any costs for equipment required to transport or install any equipment or components on the existing siren wooden poles in Homer, Nanwalek, Port Graham, Seldovia, or Seward areas.
16. The proposal must include the ability to provide engineer and network schematics, including but not limited to: system software and hardware documentation, drawings, equipment inter-cabling diagrams, demarcation wiring lists, programming and level setting data sheets, key access procedures, radio licenses, required permits, field acceptance test sheets/results, inventory parts, manuals such as warranty documents and service provider documents as well as guidelines for system expansion and growth. Said documentation shall be provided in electronic and hardcopy formats.
17. Proposer is responsible for permitting and regulatory compliance, ensuring System design and functionality adheres to mandatory code compliance including but not limited to current National Weather Service Western Region Access to System, National Fire Prevention Association (NFPA) 1, 70, 72, 110, 111, 780, 1221, Alaska State Statutes, Borough Code of Ordinances, American National Standards Institute standards, Telecommunications Industries Association standards, and all applicable codes, regulations and permitting requirements by the Federal Communications Commission.
18. The Proposer should provide answers to the following:
 - a. What software language is the system built upon?
 - b. How often is the frequency of software releases?
 - c. What is the proposed System software maintenance schedule?
19. This mission critical public alert system requires 24/7 support for troubleshooting system issues. Describe the 24/7 tech support available for critical issues.
20. The cost proposed should include training to the System; online or in-person training options should be included:
 - a. Training to System software installed onto hard drives and onto smart phones to activate, test and create local programming; and
 - b. Training to System sites operations and maintenance; training should include the recommended preventive maintenance schedules.
21. All accepted systems and equipment shall be fully warranted for a period of one year from the date of commissioning approvals.
22. Proposers should include a separate itemization of costs and services associated with an annual, renewable extended maintenance contract.
 - a. The cost proposed should include the annual tech support costs, the maintenance costs and software upgrade costs. Annual cost should include any ongoing licensing requirement such that the Borough can establish a

- known yearly cost to maintain the system. Any licensing that cannot be covered by an agreement allowing ready access to version upgrades should be identified as such.
- b. If the yearly maintenance costs do not cover technical support and assistance for installing application updates, then the cost to engage with tech support when performing periodic software updates should be clearly indicated. This statement refers to patches, "point" releases, full version upgrades, and product replacements should the vendor choose to transition to new software platforms in the future.
23. The current sirens are mounted on wooden telephone-style poles that will be re-used and do not need to be included in the proposal. For any new sites, wooden poles, building-fixed mounting or any connectivity components should be included in the new single siren site cost.
24. The cost proposal must demolition and transfer of equipment: The contractor will conduct an orderly demolition of the current system from the pole, ensuring that all the siren components are not damage by the demolition. Contractor will safeguard and weather-protect components and deliver them to the nearest Kenai Peninsula Borough Maintenance (KPBM) shop. For the Seldovia, Nanwalek, Port Graham, Homer area components, deliver to the KPBM shop in Homer. For the Lowell Point and Seward area components, deliver to the KPBM shop in Seward. KPBM will take possession and responsibility for the siren components at that time.
25. The proposer agrees to create and execute a commissioning plan with Owner approvals to ensure the new System is fully functional. Contractor removal of former System equipment will be done after commissioning approval has been completed and signed off by Owner. The plan shall include:
- a. Verification of equipment inventory
 - b. Inspection of quality of work and installation
 - c. Review of system documentation
 - d. Review of staff training results
 - e. Review of System transmission testing and performance results
 - f. Verification of audio and visual coverage and intelligibility
26. Proposers should provide costs for the following project items; however, these objectives are subject to the availability of funds:
- a. Include costs to install a new siren site that is fully integrated into the System. Site locations are Anchor Point and Kachemak Selo. Cost proposal for permitting and site preparation should be included.
 - b. Include cost to install audio and visual alerting capabilities for warning notifications in and outside of buildings to be fully integrated into the System. Site locations are KPB Maintenance Facility in Homer Alaska and Bear Creek Volunteer Fire Station in Bear Creek Alaska.
 - c. Include costs for a mobile alert management device that may remotely activate the System at individual sites or for all sites. This cost is for a device other than and separate from the smart phone client activation requirement described above.

4.0 **PROPOSAL AND SUBMISSION REQUIREMENTS**

To achieve a uniform review process and obtain the maximum degree of comparability, it is required that the proposals be organized in the manner specified below.

4.1 Letter of Transmittal

- ❑ Briefly state your firm's understanding of the services to be performed and make a positive commitment to provide the services as specified.
- ❑ List name(s) of the person(s) who are authorized to make representations for your firm, their titles, address, and telephone numbers.
- ❑ The letter must be signed by a corporate officer or other individual who has the authority to bind the firm. If submitted electronically, the digital signature is acceptable if compliant with the stated signature requirement.

4.2 Experience/Qualification/References

Firm must have demonstrable experience same or similar areas of expertise, stability and its adaptability to provide the required services. Provide a detailed description of the firm's capabilities and experience supporting warning siren systems, radio communications, interoperable systems and hardware functionality. Include a description of the firm, its organizational structure, location of the principal office and the location of the office that would manage this project.

Provide at least three (3) references of clients for which your firm has provided the same or similar services supporting warning system operations in harsh winter conditions similar to the Borough coastal environment. Minimum one of these references shall be from the public sector. The three references should include projects of a similar type and size within the last five years. Describe in detail, each project's outcome and the process your firm used to achieve those outcomes. Describe in detail the customer's review of the installation, training to and current use of the system. Include a point of contact, telephone number, email address, and a brief description of the services provided. The work samples of a completed projects should be representative of the services proposed for the Borough.

Borough reserves the right to revise qualifications requirements as determined to be in the best interest of the Borough.

4.3 Lead Project Manager

Provide detailed information on the qualifications and experience of the individual that will lead this project as it relates to the required services. Include project reference contact name(s) and telephone number(s).

4.4 Key Project Staff and Sub-consultants

Identify key project staff and sub-consultants expected to provide services on behalf of the firm. Resumes should be included for each of the individuals and sub-consultants referenced. Be specific on the proposed staff regarding experience and qualifications on projects of similar size and scope.

4.5 Available Resources/Firm Location

Provide information on resources available to your firm, which indicates that you have access to the services necessary to perform the work.

Describe the ability to meet in person or via video conferencing with the Borough's System team when required during the performance of the contract. A minimum of four meetings should be planned.

4.6 Project Methodology and Approach

Provide detailed information on the firm's methodology in meeting the scope of work requirements identified in Section 3.0. This should consist of a detailed work plan indicating the steps to be completed, the resources that will be utilized and the timeline for completion.

Describe overall approach to include any special considerations, which may be envisioned.

4.7 Cost

Provide a lump sum cost for all services required in Section 3.0 (Scope of Work). Include a detailed cost summary. Additional costs should include but not limited to, the number of meetings, travel expenses, and production costs.

In addition to your cost proposal, Proposers are required to submit one copy of the detailed cost breakdown for all equipment, materials, labor, and subcontract services that are proposed to be required in the performance of the work. The details should be consistent with the work plan identified in part 4.6 Project Methodology and Approach. The cost breakdown shall be all inclusive of overhead, fringe benefits, profit, insurance etc. The lump sum cost provided on the cost proposal form, provided in the RFP, should match the total of the cost breakdown.

Cost proposal should be presented separately as follows:

The cost proposal portion of the submission should be submitted in a separate sealed envelope included in the sealed envelope containing the entire proposal.

Electronic cost proposals may be submitted by following the submission process through BidExpress.com. All proposers planning to submit proposals electronically must first register on BidExpress.com and create an electronic signature, which is used to digitally sign the cost proposal.

The cost proposal will be opened and the cost score calculated after the scores of the other evaluation criteria have been calculated.

5.0 EVALUATION CRITERIA AND PROCESS

The team representing the Borough will perform evaluation of the proposal. The team will rank the proposal as submitted. The Borough reserves the right to award a contract solely on the written proposal.

The Borough also reserves the right to request oral interviews with the highest ranked firms (short list). The purpose of the interviews with the highest ranked firms is to allow expansion upon, and possible refinement of the written responses. If interviews are conducted, a maximum of three (3) firms will be short-listed. A second score sheet will be used to score those firms interviewed. The final recommendation for selection will be based on the total of all evaluators scores achieved on the second rating. The same categories and point ranges will be used during the second evaluation as for the first.

The evaluation committee will forward a recommendation for contract award based on points awarded. The firm, whose proposal is ranked highest, may be invited to enter into final negotiations with the Borough for the purposes of contract award.

5.1 Criteria

The criteria to consider during evaluations, and the associated point values, are as follows:

1.	Experience/Qualifications/References	35 points
2.	Quality of Written Proposal	10 points
3.	Key Staff/Sub-consultants	10 points
4.	Available Resources/Firm Location	5 points
5.	Project Methodology, Approach and Timeline	30 points
6.	Cost	<u>10 points</u>
Total Points Available		100 points

5.2 Qualitative Rating Factor

Firms will be ranked using the following qualitative rating factors, excluding cost, for each RFP criteria-

1.0	Outstanding
.8	Excellent
.6	Good
.4	Fair
.2	Poor
0	Unsatisfactory

The rating factor for each criteria category will be multiplied against the points available to determine the total points for that category.

6.0 SELECTION PROCESS

The proposer with the highest total evaluation points may be invited to enter into contract negotiations with the Kenai Peninsula Borough. If an agreement cannot be reached with the highest ranked proposer, the Borough shall notify the proposer and terminate the negotiations. If proposals are submitted by one or more other proponents determined to be qualified, negotiations may then be conducted with such other proposers in the order of their respective rankings. This process may continue until successful negotiations are achieved. The Kenai Peninsula Borough reserves the right to reject any and all proposals submitted. Contract award is dependent on the appropriation of the funds by the Kenai Peninsula Borough Assembly.

7.0 APPEAL PROCESS

A proposer adversely affected by the provisions of Chapter 5.28 of the KPB Code, or regulations promulgated there under, or by any acts of the Borough in connection with the award of this contract may file a bid protest personally received at the office of the Boroughs Purchasing and Contracting Director within three (3) business days after the notice of intent to award is provided. This appeal must comply with the requirements of KPB 5.28.320 of the Borough code and may be hand delivered, delivered by mail, or by facsimile at (907) 714-2373. A fee of \$300 shall be paid to the Borough and must be received by the deadline for filing the written appeal. This fee shall be refundable if the appellant prevails in the appeal to the mayor or assembly.

8.0 SAMPLE CONTRACT OR MINIMUM MANDATORY CONTRACT PROVISIONS

In addition to carefully reading all of the information in the RFP, all proposers must carefully read and review the attached sample contract. The successful proposer shall be required to enter into a Contract with the Kenai Peninsula Borough, which will be substantially similar to the sample.

Therefore, the proposer must identify any proposed changes to the sample Contract and submit them with their proposal.

IF NO CHANGES ARE MADE, THE PROPOSER SHALL BE DEEMED TO HAVE ACCEPTED THE SAMPLE CONTRACT. IF THE RESPONDENT MAKES CHANGES, SUCH CHANGES WILL BE CONSIDERED IN ANY NEGOTIATIONS WITH THE BOROUGH. CHANGES MADE TO THE SAMPLE CONTRACT SHALL NOT BE CONSIDERED DURING PROPOSAL EVALUATIONS.

**KENAI PENINSULA BOROUGH
COST PROPOSAL
RFP23-001 MASS NOTIFICATION SYSTEM**

ACKNOWLEDGEMENT

In submitting this proposal, we certify that we have examined the specifications documents, have received Addenda Nos. ☐ ☐ ☐ ☐ ☐, and have included their provisions in our proposal. If awarded a contract under this proposal, we hereby agree to the terms set forth in the specification documents and all addenda identified on this proposal.

Lump sum fee is to include **all** costs associated with providing the services as established in this RFP (Section 3.0 Scope of Work)

TOTAL LUMP SUM, for all services \$ _____
Numerical amount

The Proposer further declares that the only person or parties interested in the Proposal are those named herein, that this Proposal is, in all respects, fair and without fraud, that it is made without collusion with any official of the Kenai Peninsula Borough and that **the Proposal is made without any connection or collusion** with any person submitting another Proposal on this Contract."

SIGNATURE REQUIREMENT

Firm Name _____

Address _____

City _____ State _____ Zip _____

Telephone _____ Fax _____

Representative _____ Title _____

Email Address _____

The undersigned has read the foregoing and hereby agrees to the conditions stated therein by affixing his/her signature below:

Signature of Authorized Company Representative

Date

Enter Licensing Information:

Alaska Business License # _____

Specialty Contractor License # (if applicable) _____

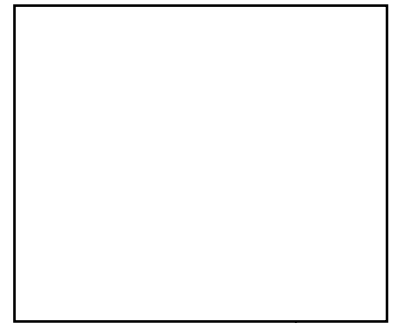
Tax Compliance Certification

Kenai Peninsula Borough

Finance Department

144 N. Binkley Street
Soldotna, Alaska 99669-7599
www.kpb.us

Phone: (907) 714-2197
or: (907) 714-2175
Fax: (907) 714-2376



1.) Fill in all information requested. 2.) Sign and date. 3.) Submit with solicitation, or other.

For Official Use Only

Reason for Certificate:		For Department:	
<input type="checkbox"/> Solicitation <input type="checkbox"/> Other:		Dept. Contact:	
Business Name:			
Business Type:		<input type="checkbox"/> Individual <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Other:	
Owner Name(s):			
Business Mailing Address:			
Business Telephone:		Business Fax:	
Email:			

As a business or individual, have you ever conducted business or owned real or personal property within the Kenai Peninsula Borough? (If yes, please supply the following account numbers and sign below. If no, please sign below.)
☐ Yes ☐ No Kenai Peninsula Borough Code of Ordinances, Chapter 5.28.140, requires that businesses/individuals contracting to do business with the Kenai Peninsula Borough be in compliance with Borough tax provisions. No contract will be awarded to any individual or business who is found to be in violation of the Borough Code of Ordinances in the several areas of taxation.

REAL/PERSONAL/BUSINESS PROPERTY ACCOUNTS	
ACCT. NO.	ACCT. NAME

TAX ACCOUNTS/STATUS (TO BE COMPLETED BY KPB)	
YEAR LAST PAID	BALANCE DUE

KPB Finance Department (signature required)

Date ☐ In Compliance ☐ Not in Compliance

SALES TAX ACCOUNTS	
ACCT. NO.	ACCT. NAME

TAX ACCOUNTS/STATUS (TO BE COMPLETED BY KPB)		
FILED THRU	M/F's	BALANCE DUE

KPB Sales Tax Division (signature required)

Date ☐ In Compliance ☐ Not in Compliance

CERTIFICATION: I, _____ the _____, hereby certify that, to the
(Name of Applicant) (Title)
 best of my knowledge, the above information is correct as of _____.
(Date)

Signature of Applicant (Required)

IF ANY BUSINESS IS CONDUCTED OR IS AWARDED A BID WITHIN THE KENAI PENINSULA BOROUGH YOU MUST BE REGISTERED TO COLLECT SALES TAX. THE SALES TAX DEPARTMENT CAN BE REACHED AT (907) 714-2175.

**PROFESSIONAL SERVICES AGREEMENT
FOR
RFP 23-001 MASS NOTIFICATION SYSTEM**

THIS AGREEMENT is made and entered into by and between the KENAI PENINSULA BOROUGH, a municipal corporation whose address is 144 N. Binkley Street, Soldotna, Alaska 99669 (hereinafter referred to as "Borough") and _____ (hereinafter referred to as "Consultant").

Section 1. Definition. In this Agreement:

1. The term "Borough" means the Kenai Peninsula Borough.
2. The term "Consultant" means _____.
3. The term "Mayor" means the mayor of the Kenai Peninsula Borough or his authorized representative.

Section 2. Scope of Services. The Consultant shall perform all the services described in the Borough's Request for Proposals (RFP) and Consultant's Proposal as outlined in the following attached and incorporated documents.

Attachment A, Request for Proposals

Attachment B, Addenda

Attachment C, Consultant's Proposal

Attachment D, Consultant's Cost Proposal Schedule

Attachment E, Miscellaneous Forms (attached for informational purposes only)

Section 3. Personnel. Personnel shall be limited to employees of Consultant located within the United States.

Section 4. Time of Performance. The services of the Consultant shall commence_____, 20____, and shall terminate on_____, 20____. The period of performance may be extended for additional two (2) additional one (1) year period only by the mutual written agreement of the parties. At no time may the total period of contract exceed a total of five (5) years.

Section 5. Standard of Performance. Consultant shall perform its services consistent with generally accepted standards by others engaged in the same type of work as Consultant. Upon written notice to Consultant, Consultant will correct those services not meeting such a standard without additional compensation from the Borough.

Section 6. Compensation.

- A. Subject to the provisions of this Agreement, the Borough shall pay the Consultant a total sum for all services and expenses for the term of this Agreement not exceeding the sum of \$ _____.

- B. Except as otherwise provided in this Agreement, the Borough shall not provide any additional compensation, payment, service or other thing of value to the Consultant in connection with performance of Agreement duties. The parties understand and agree that, except as otherwise provided in this Agreement, administrative overhead and other indirect or direct costs the Consultant may incur in the performance of its obligations under this Agreement have already been included in computation of the Consultant's fee and may not be charged to the Borough.

Section 7. Method and Time of Payment.

- A. Consultant must invoice Borough [monthly] [quarterly] [upon task completion].
- B. Payment will be made within 30 calendar days from receipt of an approved invoice.
- C. Any expenditures identified as reimbursable under the request for proposal must be included with the billings for professional services. Billing must include a summary of expenditures to date by line item categories (e.g., personal services, travel, lodging, telephone, mail, photography, and photocopies). Documentation of expenditures need not be submitted with billings but must be retained by the Consultant in the event the Borough requests said documentation.
- D. No payment will be disbursed until the task is completed and the Borough has approved associated expenditures.
- E. All invoices must be submitted to and addressed as follows:

Kenai Peninsula Borough
[Department]
[Department address]
Soldotna, AK 99669

Section 8. Ownership. All finished reports and other completed deliverables prepared by the Consultant under this Agreement whether or not delivered to the Borough are the property of the Borough, excluding any Consultant Materials (as defined below) contained or embodied therein (the "Deliverables"). Consultant shall own (i) its working papers and (ii) any general skills, know-how, expertise, ideas, concepts, methods, technique processes, software, materials or other intellectual property which may have been discovered, created, received, or developed by Consultant either prior to or as a result of performing the services hereunder (collectively, "Consultant Materials"). The Borough shall have a non-exclusive, non-transferable license to use Consultant Materials for its own internal use and only for the purposes for which they are delivered to the extent they form part of a Deliverable. Notwithstanding anything to the contrary in this Agreement, Consultant and its personnel are free to use and employ their general skills, know-how, and expertise, and to use, disclose, and employ any generalized ideas, concepts, know-how, methods, techniques or skills gained or learned during the course of this Agreement so long as they acquire and apply such information without any unauthorized use or disclosure of confidential or proprietary information of the Borough.

Section 9. Termination of Agreement for Cause. If, through any cause, the Consultant shall fail to fulfill in a timely and proper manner the obligations under this Agreement or if the Consultant shall violate any of the covenants, terms or stipulations of this Agreement, the Borough may immediately terminate this Agreement by providing written notice to the Consultant of termination and specifying the effective date thereof. If this Agreement is terminated for cause, all finished or invoiced deliverable items documents, data, studies, surveys and reports or other material prepared by the Consultant, shall be transferred to the Borough and shall become Borough property. Consultant will be entitled to receive just and equitable compensation for any satisfactory work completed on such materials. Consultant is not be relieved of liability to the Borough for damages sustained by the Borough by virtue of any breach of this Agreement, and the Borough may withhold any payment due Consultant for the purpose of setoff until such time as the exact amount of damages incurred by the Borough as a result of the Consultant's breach can be determined.

Notwithstanding the foregoing, Consultant shall be entitled to not less than ten (10) days written notice to cure.

In the event of the Consultant's default, breach, or failure to otherwise timely perform under the Contract, the Borough may procure the services from other sources and hold Consultant responsible for any excess cost occasioned thereby. In addition, in the event of default by Consultant under this Agreement, or upon the Consultant filing a petition for bankruptcy or the entering of a judgment of bankruptcy by or against the Consultant the Borough may: (i) immediately cease doing business with Consultant; (ii) immediately terminate for cause all existing contracts the Borough has with Consultant; and (iii) debar Consultant from doing future business with the Borough.

Section 10. Termination for Convenience of Borough. The Borough may terminate this Agreement at any time by giving thirty (30) days written notice to the Consultant of such termination and specifying the effective date of such termination. All Deliverables, as described in Section 9, above, are the property of the Borough and shall be delivered to the Borough by or upon the effective date of termination in accordance with Section 8 above. The Consultant shall be entitled to receive compensation in accordance with the payment provisions of this Agreement only for work completed to the Borough's satisfaction in accordance with the terms of this Agreement.

Section 11. Termination Due to Non-Availability of Government Funds. If the Borough's Assembly fails to appropriate sufficient funds or fails to authorize the expenditure of funds to continue services under this Agreement, the Borough shall, as soon as practical, submit written notice to Consultant terminating this Agreement, and releasing Consultant, and any subcontractors, from their obligations therein. Such notice shall be in writing and shall be sent not less than thirty (30) calendar days prior to the date of termination. The notice shall include a written statement documenting the reason for termination and an official document certifying the non-availability of funds (e.g. Assembly Action, official budget or other official Borough document). Termination for non-availability of government funds shall not be deemed to be a breach of this Agreement by the Borough. In the case of termination under this section, the

Consultant shall be entitled to receive just and equitable compensation for any satisfactory work completed prior to termination.

Section 12. Non-Discrimination. Consultant will not discriminate against any employee or applicant for employment because of race, color, religion, sex, sexual identity, sexual orientation, national origin, handicap, pregnancy, parenthood, age, marital status, status as a disabled veteran, or veteran of the Vietnam War era. Consultant shall take affirmative action to ensure that applicants are employed and that employees are treated during employment without regard to their race, color, religion, sex, sexual identity, sexual orientation, national origin, handicap, pregnancy, parenthood, age, marital status, status as a disabled veteran, or veteran of the Vietnam War era. Such actions shall include, but not be limited to the following: employment, upgrading, demotions, or transfers; recruitment or recruitment advertising; layoffs or terminations; rates of pay or other forms of compensation; selection for training, including apprenticeship; and participation in recreational and educational activities.

Section 13. Causes Beyond Control. In the event the Consultant or Borough is prevented by a cause or causes beyond control from performing any obligation of this Agreement, nonperformance resulting from such cause or causes shall not be deemed to be a breach of this Agreement which will render the party liable for damages or give rights to the cancellation of this Agreement for cause. However, if and when such cause or causes cease to prevent performance, the party shall exercise all reasonable diligence to resume and complete performance of the obligation with the least possible delay. The phrase "cause or causes beyond control," as used in this section, means any one or more of the following causes which are not attributable to the fault or negligence of the party and which prevent performance of the Contract: fire, explosions, acts of God, war, orders or law of duly constituted public authorities, and other major uncontrollable and unavoidable events, all of the foregoing which must actually prevent the party from performing the terms of this Agreement. Events which are peculiar to the party and would not prevent another party from performing, including, but not limited to financial difficulties, are not causes beyond the control of the party.

Section 14. Modifications.

- A. The parties may mutually agree to modify the terms of this Agreement. Modifications to this Agreement shall be incorporated into this Agreement by written amendments.
- B. It is expressly understood that the Borough may require changes in the scope of services and an unreasonable refusal by the Consultant to agree to modification in the scope of services will be the basis for termination of this Agreement for cause. It is expressly understood that the total amount of compensation for successful performance of this Agreement will not be modified, under any circumstances, without prior written approval of the Borough.

Section 15. Assignability. The Consultant shall not assign any of its obligations or responsibilities under this Agreement and shall not transfer any interest in the same (whether by assignment or novation) without the prior written consent of the Borough.

Section 16. Interest of Consultant. The Consultant covenants that it presently has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of services required to be performed under this Agreement. The Consultant further covenants that in the performance of this Agreement no person having any such interest shall be employed.

Section 17. Findings Confidential. To the extent permitted or required by law any reports, information, data, etc., given to or prepared or assembled by the Consultant under this Agreement which the Borough requests to be kept confidential shall not be made available to any individual or organization by the Consultant without the prior written approval of the Borough.

Section 18. Publication, Reproduction and Use of Materials. No material produced, in whole or in part, under this Agreement shall be subject to copyright registration in the United States or in any other country. The Borough shall have unrestricted authority to publish, disclose, distribute and otherwise use, in whole or in part, any reports, data or other materials prepared under this Agreement.

Section 19. Jurisdiction; Choice of Law. Any civil action arising from this Agreement shall be brought in the superior court for the third judicial district of the state of Alaska at Kenai. The law of the state of Alaska shall govern the rights and obligations of the parties.

Section 20. Non-Waiver. The failure of the Borough at any time to enforce a provision of this Agreement shall in no way constitute a waiver of the provisions, nor in any way affect the validity of this Agreement or any part thereof, or the right of the Borough thereafter to enforce each and every protection hereof.

Section 21. Permits, Laws and Taxes. The Consultant shall acquire and maintain in good standing all permits, licenses and other entitlements necessary to the performance under this Agreement. All actions taken by the Consultant under this Agreement shall comply with all applicable federal, state, and local regulations including, but not limited to, those laws related to wages, taxes, social security, workers compensation, nondiscrimination, licenses, and registration requirements. The Consultant shall pay all taxes pertaining to its performance under this Agreement.

Section 22. Agreement Administration.

- A. The [department] Director, or his designee, will be the representative of the Borough administering this Agreement.
- B. The services to be furnished by the Consultant shall be administered, supervised, and directed by _____. In the event that the individual named above or any of the individuals identified in the proposal to perform work under this Agreement is unable to serve for any reason, the Consultant shall appoint a successor in interest subject to written approval of the Borough.

Section 23. Integration. This instrument and all appendices and amendments hereto embody the

entire agreement of the parties. There are no promises, terms, conditions or obligations other than those contained herein; and this Agreement shall supersede all previous communications, representations or agreements, either oral or written, between the parties.

Section 24. Defense and Indemnification. Consultant shall indemnify, defend and hold the Borough, its elected and appointed officers, contractors, agents and employees who are directly responsible to the Borough (collectively "the Borough") harmless from and against any and all claims, demands, suits or liability of any nature, kind or character whatsoever that may arise under this Agreement, including costs, expenses and attorney's fees, resulting from negligent acts, errors, or omissions of the Consultant or Consultant's officers agents, employees, partners, contractors, and sub-consultants who are directly or indirectly responsible to the Consultant, (collectively "Consultant"). Consultant is not required to indemnify, defend, or hold harmless the Borough for a claim of, or liability for, independent negligent acts, errors, and omissions of the Borough. If there is a claim of, or liability for, a joint negligent act, error or omission of Consultant and the Borough, the indemnification, defense and hold harmless obligation of this Agreement shall be apportioned on a comparative fault basis. For purposes of this Agreement "independent negligent acts, errors, and omissions" means negligence other than in the Borough's selection, administration, monitoring, or controlling of Consultant, or in approving or accepting Consultant's work.

Section 25. Interpretation and Enforcement. This Agreement is being executed by the parties following negotiations between them. It shall be construed according to the fair intent of the language as a whole, not for or against any party. The titles of sections in this Agreement are not to be construed as limitations or definitions but are for identification purposes only.

Section 26. Relationship of the Parties. The services to be rendered under this Agreement are those of an independent contractor. The Consultant will not at any time directly or indirectly act as an agent, servant or employee of the Borough or make any commitments or incur any liabilities on behalf of the Borough without the Borough's express written consent. The Borough shall not supervise or direct the Consultant except as set forth in this Agreement.

Section 27. Insurance.

- A. Consultant and subcontractors, if any, shall be responsible for the purchase and maintenance of all insurance required by law and at a minimum purchase the insurance coverage as specified in this Agreement.
- B. The Consultant, and all subcontractors, if any, shall maintain in force at all times the following policies of insurance. Failure to maintain insurance may, at the option of the Borough be deemed a breach of the terms of the Agreement and subject to remedies in accordance with the provisions of the Agreement. Where specific limits and coverage are shown, it is understood that they shall be the minimum acceptable.

- 1. **Workers' Compensation Insurance:** Contractor and subcontractor(s) of any tier shall provide and maintain, for all of its employees engaged in work under this Agreement,

Workers' Compensation Insurance in accordance with the laws of the State of Alaska. The Contractor shall be responsible for Workers' Compensation Insurance for any subcontractor(s) who directly or indirectly provides services under this Agreement. This coverage must include statutory coverage for states in which employees are engaging in work and employer's liability protection not less than the minimum amounts required by law. Where applicable, coverage for all federal acts (i.e., U.S.L. & H and Jones Act) must also be included. Subrogation shall be waived.

2. **Comprehensive or Commercial General Liability Insurance:** Consultant and subcontractor(s), if any, shall provide and maintain, Commercial General Liability Insurance (CGL). The CGL Policy shall be written on an occurrence basis and with a limit of not less than ONE MILLION AND NO/100 DOLLARS (\$1,000,000.00) each occurrence and aggregate. CGL insurance shall be written on standard ISO occurrence form (or a substitute form providing equivalent coverage) and shall cover liability arising from premises, operations, broad form property damage, independent contractors, products-completed operations, personal injury and advertising injury, explosion, collapse, underground hazards, and liability assumed under a contract including the tort liability of another assumed in a business contract. If necessary to provide the required limits, the Commercial General Liability policy's limits may be layered with a Commercial Umbrella or Excess Liability policy. This policy shall name the KPB as Additional Insured. To the extent damages are covered by commercial general liability insurance, subrogation shall be waived.
3. **Automobile Liability Insurance:** Consultant and subcontractor(s), if any, shall provide and maintain, Auto Liability Insurance (ALI). The Auto Liability Policy shall include a Combined Single Limit of not less than ONE MILLION AND NO/100 DOLLARS (\$1,000,000.00); Underinsured and Uninsured Motorists limit of not less than ONE MILLION AND NO/100 DOLLARS (\$1,000,000.00); Coverage shall include Non-Owned and Hired Car coverage. This policy shall name the KPB as Additional Insured. To the extent damages are covered by auto liability insurance, subrogation shall be waived
4. **Professional Liability:** If applicable, Consultant and subcontractor(s), if any, shall maintain Professional Liability (Errors & Omissions) insurance on a claims made basis, covering claims made during the policy period and reported within three years of the date of occurrence. Professional Liability shall include all errors, omissions, or negligent or wrongful acts of the Contractor, subcontractor, or anyone directly or indirectly employed by them, made in the performance of this contract which results in financial loss to the KPB. Limits of liability shall be not less than ONE MILLION AND NO/100 DOLLARS (\$1,000,000.00). Coverage shall be maintained for the duration of this Agreement plus THREE (3) YEARS following the date of final payment.
5. **Excess Liability:** If necessary to provide the required limits, required policy limits may be layered with a Commercial Umbrella or Excess Liability policy or policies. This policy shall name the KPB as Additional Insured and waiver of subrogation language shall be

included.

- C. Insurance coverage required under this Agreement shall be primary and exclusive of any other insurance carried by the Borough. Minimum levels of insurance coverage required under this Agreement shall remain in effect for the life of this Agreement and shall be a part of the contract price.
- D. If Consultant's policies contain higher limits, the KPB shall be entitled to coverage to the extent of such higher limits.
- E. There shall be no cancellation or material change of the insurance coverages, or intent not to renew the insurance coverages as specified in this Agreement, without thirty (30) calendar days' prior written notice to the Borough. Certificates of Insurance, acceptable in form and content, will be delivered to the Borough at the time of submission of the signed Agreement and updated certificates shall be provided upon insurance coverage renewal, where applicable.
- F. At its option, the Borough may request copies of required policies and endorsements. Such copies shall be provided within (10) TEN CALENDAR DAYS of the Borough's request.
- G. All insurance required hereunder shall be maintained in full force and effect with insurers with Best's rating of AV or better and be licensed and admitted in Alaska. All policies required shall be written as primary policies and not contributing to nor in excess of any coverage the Borough may choose to maintain.
- H. No Representation of Coverage Adequacy. By requiring insurance herein, the Borough does not represent that coverage and limits will necessarily be adequate to protect Contractor and its subcontractor(s) of any tier, and such coverage and limits shall not be deemed as a limitation on the liability of the Consultant and subcontractor(s) of any tier under the indemnities granted to the Borough in this Agreement.

Section 28. Severability. If any section or clause of this Agreement is held invalid by a court of competent jurisdiction, or is otherwise invalid under the law, the remainder of this Agreement shall remain in full force and effect.

Section 29. Understanding. The Consultant acknowledges that the Consultant has read and understands the terms of this Agreement, has had the opportunity to review the same with counsel of their choice, and is executing this Agreement of their own free will.

Section 30. Notices. Any notice required pertaining to the subject matter of this Agreement shall be personally delivered or mailed by prepaid first-class, registered or certified mail to the following addresses:

Kenai Peninsula Borough:

[DEPARTMENT
[DEPARTMENT ADDRESS]
Soldotna, AK 99669

With a copy to:

Kenai Peninsula Borough
Attn: Legal Department
144 N. Binkley Street
Soldotna, AK 99669

Consultant:

Section 31. Consultant's Violations of Tax Obligations.

- A. This Agreement can be terminated for cause, pursuant to Section 9, if it is determined that the Consultant or any of its subcontractors is in arrears of any taxation, lease or rental agreement that is due to the Borough which is not remedied within ten (10) calendar days of notification by regular mail.
- B. The Borough reserves any right it may have to offset amounts owed by an individual, firm, corporation or business for delinquent Borough taxes, moneys owed on sales, assessments, leases and rental agreements, against any amount owing to the same under an agreement between the Borough and the same.

Section 32. Limitation on Liability. EACH PARTY'S TOTAL LIABILITY FOR ANY AND ALL DAMAGES WHATSOEVER ARISING OUT OF OR IN ANY WAY RELATED TO THIS AGREEMENT FROM ANY CAUSE, INCLUDING BUT NOT LIMITED TO CONTRACT LIABILITY OR NEGLIGENCE, ERRORS, OMISSIONS, STRICT LIABILITY, BREACH OF CONTRACT OR BREACH OF WARRANTY SHALL NOT, IN THE AGGREGATE, EXCEED THE FEES PAID TO CONSULTANT UNDER THIS AGREEMENT.

IN NO EVENT WILL EITHER PARTY BE LIABLE TO THE OTHER FOR ANY SPECIAL, INDIRECT, INCIDENTAL, OR CONSEQUENTIAL DAMAGES IN CONNECTION WITH OR OTHERWISE ARISING OUT OF THIS AGREEMENT, EVEN IF ADVISED OF THE POSSIBILITY OF SUCH DAMAGES. IN NO EVENT SHALL EITHER PARTY BE LIABLE FOR EXEMPLARY OR PUNITIVE DAMAGES ARISING OUT OF OR RELATED TO THIS AGREEMENT

Section 33. No Third Party Beneficiaries. All services (including any Deliverables) shall be solely for the Borough's informational purposes and internal use. None of Consultant's services are intended for the express or implied benefit of any third party, and no third party is entitled to rely on the services Consultant provides under this Agreement, including without limitation, any Deliverables. Borough and Consultant are the only parties to this Agreement, and are the only parties entitled to enforce its terms.

Section 34. Counterparts. This Agreement may be executed in counterparts (whether by facsimile or PDF signature), and by electronic signature in accordance with AS 09.08, each of which when so executed shall constitute an original and all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the parties have caused this agreement to be executed in their respective names by their duly authorized representatives as of the date and year first above written.

KENAI PENINSULA BOROUGH

CONSULTANT

Charlie Pierce, Mayor

Name and Title of Officer (printed or typed)

Date: _____

Company Name (printed or typed)

ATTEST:
(Borough Seal)

Signature of Officer
Date: _____

Johni Blankenship, MMS, Borough Clerk

AGREEMENT & ATTACHMENTS
APPROVED AS TO FORM & LEGAL
SUFFICIENCY

Name and Title of Second Officer
(printed or typed)

Todd Sherwood, Deputy Borough Attorney

Signature
Date: _____

CORPORATION

STATE OF ALASKA)
) ss.
THIRD JUDICIAL DISTRICT)

The foregoing instrument was acknowledged before me this ____ day of _____
20____, by (name) _____, the (title of officer) _____
of (name of corporation) _____, an Alaska Corporation, for
and on behalf of the corporation.

(Notary Seal)

Notary Public for State of Alaska
My Commission Expires: _____

SECOND CORPORATE OFFICER

STATE OF ALASKA)
) ss.
THIRD JUDICIAL DISTRICT)

The foregoing instrument was acknowledged before me this ____ day of _____
20____, by (name) _____, the (title of officer) _____
of (name of corporation) _____, an Alaska Corporation, for
and on behalf of the corporation.

(Notary Seal)

Notary Public for State of Alaska
My Commission Expires: _____

LIMITED LIABILITY COMPANY

STATE OF ALASKA)
) ss.
THIRD JUDICIAL DISTRICT)

The foregoing instrument was acknowledged before me this ____ day of _____
20____, by (name) _____, the (member/manager)
of (name of LLC) _____, an Alaska Limited Liability
Company, for and on behalf of the LLC.

(Notary Seal)

Notary Public for State of Alaska
My Commission Expires: _____

PARTNERSHIP

STATE OF ALASKA)
) ss.
THIRD JUDICIAL DISTRICT)

The foregoing instrument was acknowledged before me this ____ day of _____, 20____, by (name of partner or agent) _____, partner (or agent) of (name of partnership) _____ for and on behalf of the partnership.

(Notary Seal)

Notary Public for State of Alaska
My Commission Expires: _____

SOLE OWNERSHIP

STATE OF ALASKA)
) ss.
THIRD JUDICIAL DISTRICT)

The foregoing instrument was acknowledged before me this ____ day of _____
20____, by (name)_____, dba _____
_____.

(Notary Seal)

Notary Public for State of Alaska
My Commission Expires: _____

ACKNOWLEDGMENT

STATE OF ALASKA)
) ss.
THIRD JUDICIAL DISTRICT)

The foregoing instrument was acknowledged before me this ____ day of _____ 20__, by Charlie Pierce, Mayor of the Kenai Peninsula Borough, an Alaska municipal corporation, for and on behalf of the corporation.

(Notary Seal)

Notary Public for State of Alaska
My Commission Expires: _____

RFP23-001 Mass Notification System
APPENDIX A

Current System Functionality and Schematics

- A.01 The current System uses the Federal Signal outdoor warning system comprised of base station, Federal Signal S2000 central control unit software ("CommanderOne") using 110/120 VAC main to battery backup. The primary base station is located in Soldotna with three alternate access stations located at Soldotna Public Safety Communications Center, City of Homer and City of Seward dispatch centers. (See page 5 base station configuration.)
- A.02 The System enables activation of siren and public announcement (PA) equipment at 14 sites in the Homer and Seward sectors from the four (4) control stations by means of ISP provided Wide-Area Network (WAN) data circuit and satellite network. Both activation methods are configured for two-way communications, supporting feedback of system status and test data to the control points. ISP provided WAN connections consist of seven (7) DSL (Digital Subscriber Line) locations, three (3) TLS (Transparent LAN Service). Four (4) locations have direct Ethernet connections to building LAN. The satellite network is operated by Skywave.
- A.03 Upon entry of a valid password into a system PC, authorized staff can activate all of the sites. Activation may be done at one of the four sites or remotely, using smart phone application.
- A.04 Software and equipment coordination:
1. Receives messages transmitted over the network(s).
 2. Decodes and responds to location codes and event codes. Upon receipt of an appropriate location and event code, activates the siren for a particular alert tone sequence corresponding to the event code. Continue broadcasting the tone sequence until expiration of a pre-programmed function counter or timer or receipt of a cancellation code, whichever occurs first.
 3. Upon receipt of appropriate codes, broadcasts a live audio message over the PA speakers as the message is received from base station or remote activation. (This function is required in the new System.)
 4. Upon receipt of appropriate codes, records a live audio message as it is received from base station or remote activation. (This function is required in the new System.)
 5. Upon receipt of appropriate codes, broadcasts the most recently recorded audio message or select and broadcast a pre-recorded audio message from a file of pre-recorded messages stored locally at the sites. Continues repeating the broadcast until expiration of a pre-programmed function counter or timer or receipt of a cancellation command, whichever occurs first. (This function is required in the new System.)
 6. Upon receipt of appropriate codes, broadcasts the combination of alert tone sequence and live, most recently recorded, or pre-recorded audio message uniquely corresponding to the particular codes received. Continues repeating the broadcast

until expiration of a pre-programmed function counter or timer or receipt of a cancellation command, whichever occurs first. (Current System is has limited capabilities.)

7. Activates the strobe light at the sites upon initiation of any of the siren and/or PA functions specified above, and continues operation of the strobe light until all of the siren and PA functions have terminated.
8. Encodes and transmits back to the originating control point a status message confirming that the requested function was properly activated. (This function is required in the new System.)

A.05 Staff may establish and update programming at individual equipment sites by the use of a control panel in the Remote Control Unit (RCU) cabinet at the site, or by connecting a laptop computer into the RCU at the site. The programmable functions and parameters include:

- The location codes to which the individual site will respond;
- The event codes to which the equipment will respond, and the specific siren, PA, and/or combined siren/PA functions corresponding to each code;
- Function timer and counter threshold settings;
- Pre-recorded messages.

A.06 Staff may activate test functions at individual equipment sites by the use of a control panel in the RCU cabinet at the site, or by connecting laptop computer into the RCU at the site. Upon entry of a valid password, authorized staff at one of the base stations may activate test functions from the central control units at those locations. (This function is required in the new System.) Functions and features that can be tested include:

- Reliable transmission and reception of the radio messages
- Correct decoding and processing of location and event codes
- Siren operation, both at full power and reduced power ("silent" test)
- PA speaker operation and intelligibility
- Strobe lamp operation
- Message recording and playback
- Level of battery charge
- Status of AC power source
- Operation of AC, wind and solar chargers
- Status of all programmed parameters and messages
- Feedback and display confirmation of successful activation system status.

Baseline Components

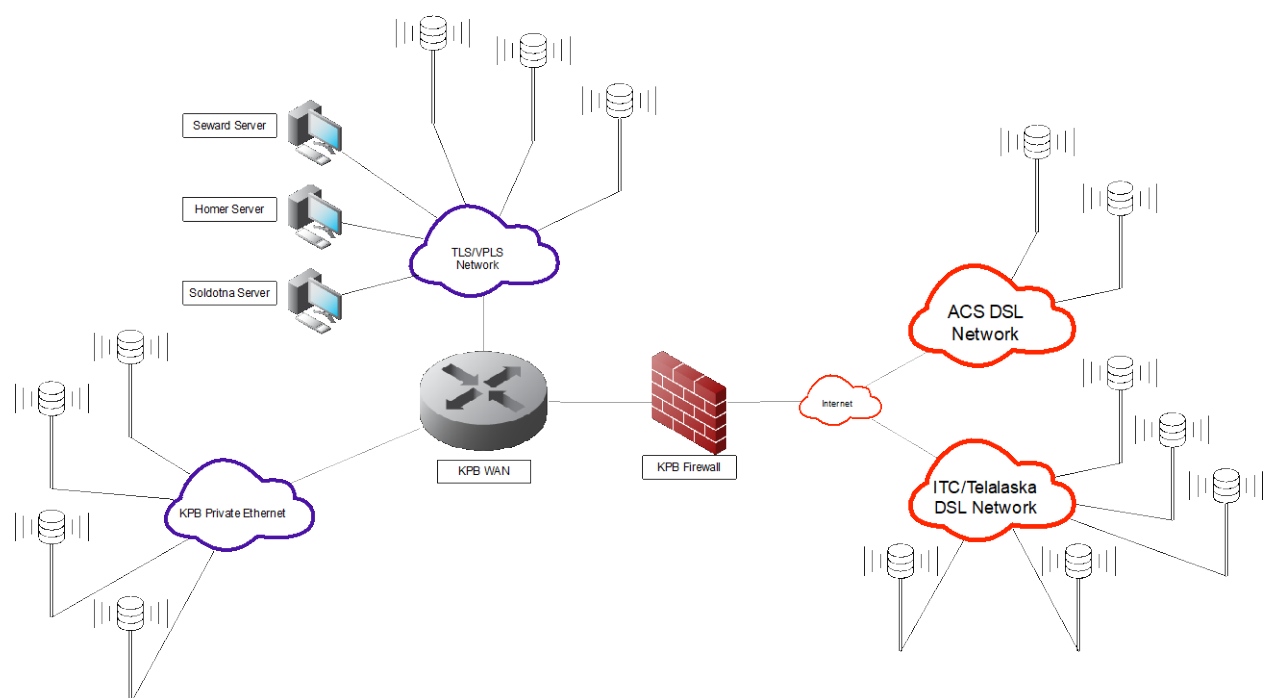
- A.07 All of the sites are located in a seaside, marine environment subject to temperature extremes, ice and snow, lightning, high winds and corrosive salt air. Equipment and site facilities are designed to withstand and continue operation under these harsh conditions.
- A.08 The pole installs meet the following minimum requirements:
1. Sufficient height to ensure compliance with the audio coverage requirements specified below.
 2. Poles are either metal or treated wood, and guyed or self-supporting, with a minimum ten-year functional lifetime of withstanding the environmental conditions specified while loaded with all required equipment.
 3. Poles and mounted equipment are fully grounded and lightning-protected in accordance with the standards specified.
 4. Individual site surveys were completed to determine pole installation conditions, engineering and design, permit requirements. Site preparation included but not limited to excavation, reinforced concrete footings, erection and installation of the pole, installation of all required equipment and cabling onto the pole, and securing and successful completion of all required inspections and tests.
- A.09 Siren and Speaker Array minimum requirements:
1. Each siren and speaker units are capable of emitting a variety of warning tones and signals. The units were verified to release clear and intelligible broadcast of voice messages. Minimum 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. The STI is measured according to current NFPA and industry standards.
 2. Audio coverage at each site delivers 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 output power for each site records 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.
- A.10 The high-intensity strobe lamp automatically activates whenever the siren/speaker unit is activated. Output light level is at least 1,000 candlepower. The flash rate is adjustable up to 60 flashes per minute. Each unit is fully weather-sealed to function reliably.
- A.11 The electronic Remote Control Unit (RCU) are installed at each site. The RCU has encoder/decoder capabilities of decoding received messages to retrieve location codes and event codes for control of the siren and PA equipment at the site. The RCU is connected to the ISP provided WAN and the satellite networks and is capable of encoding and decoding messages from and to those control systems for control of the siren and PA equipment at the site, and for transmission of status and test data back to the control points. The RCU control functions such as starting and stopping sirens and strobes, starting and stopping

timers, recording voice messages, broadcasting live and previously recorded voice messages, as well as various diagnostic and test functions. The remote control unit provides an on-site control panel and a connection by laptop computer for local activation and testing of the equipment at the individual site.

A.12 The battery bank supplies backup power for all of the equipment at each site to ensure that all of the equipment at that site can sustain continuous broadcast operation on battery power for a period of not less than five minutes for alert tones and 60 minutes for voice. The battery bank is charged using AC power line.

A.13 See Equipment Schematics

BASE CONFIGURATION AND CONNECTIVITY



Tsunami Sirens Maintenance spread-sheet

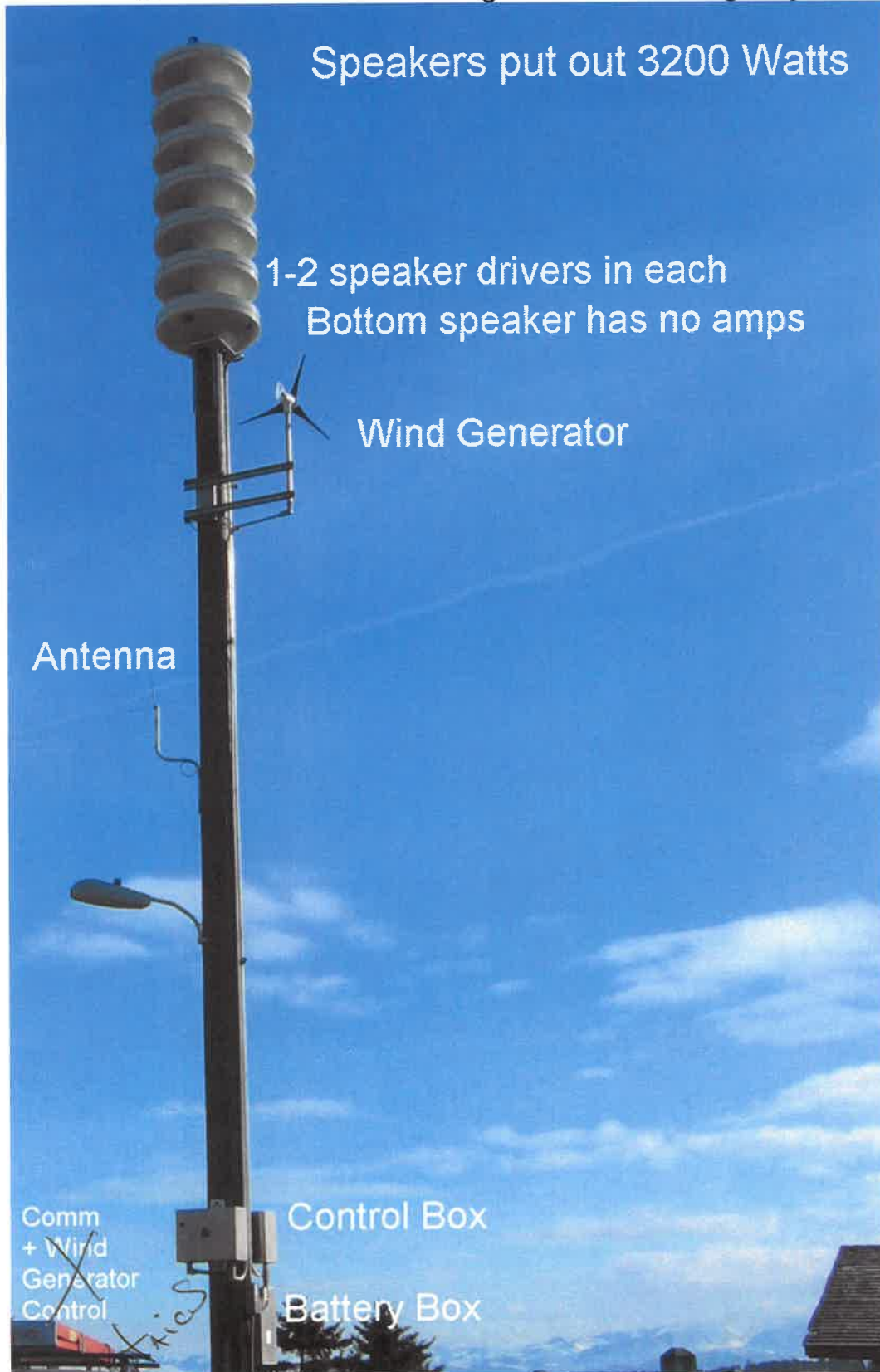
Siren # and current Status	Location	Powered by and Location of Over Current Device	Status of Back-up power	Battery Change out date	Desiccant Replace Date	Communication configuration and supply point	Comm Cabinet devices and configuration	Control Cabinet and satellite radio notes and needs	Battery Cabinet notes and needs	Comm Cabinet notes and needs
1-Good	Homer Harbor Master	Fed from Homer Harbor Master Panel B-18 on EM back-up generator	Photovoltaic panel installed Not contacted at controller	2020	Aug-21	D-Mark on Pole. Location #4311	Modem Z-Phone Power supply 8to 24dcv input 5.2dcv output	Remote controller not hooked up inside New UV+ controller installed 3-4-21 satellite antenna Installed 7-1-21 Q-test good wire & sat 4-5-22	salt water entered cabinet 2020	Needs cleaned up
2-Good	Homer Ice Rink	Service adjacent to Pole	Photovoltaic panel and controller installed Not contacted at controller	2020	Aug-20	D-Mark adjacent to Pole. Location #3150	Router and ACS modem	New UV+ controller installed 3-4-21 satellite antenna Installed 7-1-21 Q-test good wire & sat 4-5-22	salt water entered cabinet 2018	Needs cleaned up
3-Good	Homer Mariner park	Service adjacent to Pole on Building	Photovoltaic panel installed Not contacted at controller	2020	Mar-22	D-Mark adjacent to Pole. Location #????	Router and ACS modem	New UV+ controller installed 3-4-21 satellite antenna Installed 7-1-21 Q-test good wire & sat 4-5-22	Dirty cleaned 8-20	Needs cleaned up
4-Fair	Homer Fish and Game	Tapped into HEA primary No meter	Photovoltaic panel installed and contacted	2021	Mar-22	D-Mark adjacent to Pole. Comes from pedestal 4G-2	Modem Z-Phone Power supply 8to 24dcv input 5.2dcv output	Changed to wide band 2/19/20 New UV+ controller installed 3-4-21 Q-test good wire & sat 4-6-22. Transmitter Down	1 new blanket tested all 3-4-21	Good. installed sat radio higher on pole

Tsunami Sirens Maintenance spread-sheet

Siren # and current Status	Location	Powered by and Location of Over Current Device	Status of Back-up power	Battery Change out date	Desiccant Replace Date	Communication configuration and supply point	Comm Cabinet devices and configuration	Control Cabinet notes and needs	Battery Cabinet notes and needs	Comm Cabinet notes and needs
5-Fair	Homer Bishop Beach	City of Homer Hea meter #54648 to Panel board cover by wood screwed on lid, under ground to siren disconnect	Photovoltaic panel installed Not contacted at controller install controller	2021	Feb-20	D-Mark by electrical panel	Modem Z-Phone Power supply 8to 24dcv input 5.2dcv output	Un-able to change to wide band new UV+ controller installed 3-4-21 satellite antenna installed 6/10/21 Q-test good wire & sat 4-6-22. Transmitter Down	some water inside cleaned -up box condition good Battery blankets tested	Needs cleaned up
6-Poor	Nanwalek	From school Panel Brk #	Wind generator Non-op need to install photovoltaic panel and control	2019	Jan-20	On school server	Install Sat antenna on school Building	New radio& controller 1-2020 set to wide band need to install satellite antenna. Need to change out card rack do to corrosion	Good	No connectivity 6-22
7-Good	Seldovia	From school Panel Brk #	Photovoltaic panel installed Not contacted at controller install controller	2021	Jul-21	On school server this is the weak link . Manuel start generator and short time on ups power	Good	New radio 1-2020 set to wide band new UV controller 5-21 satellite antenna Installed 7-29-21 Q-test good wire & sat 4-6-22.	Good need one new battery tray	Good
8-poor	Port Graham	From school Panel Brk #	Wind generator not Operational need to install photovoltaic panel and control	2022	Feb-20	On school server	Install Sat antenna on school Building	New SE2000 on 9-10-20 need new UV controller need to install satellite antenna	Good Battery blankets tested 4-6-22	No connectivity 6-22

Tsunami Sirens Maintenance spread-sheet

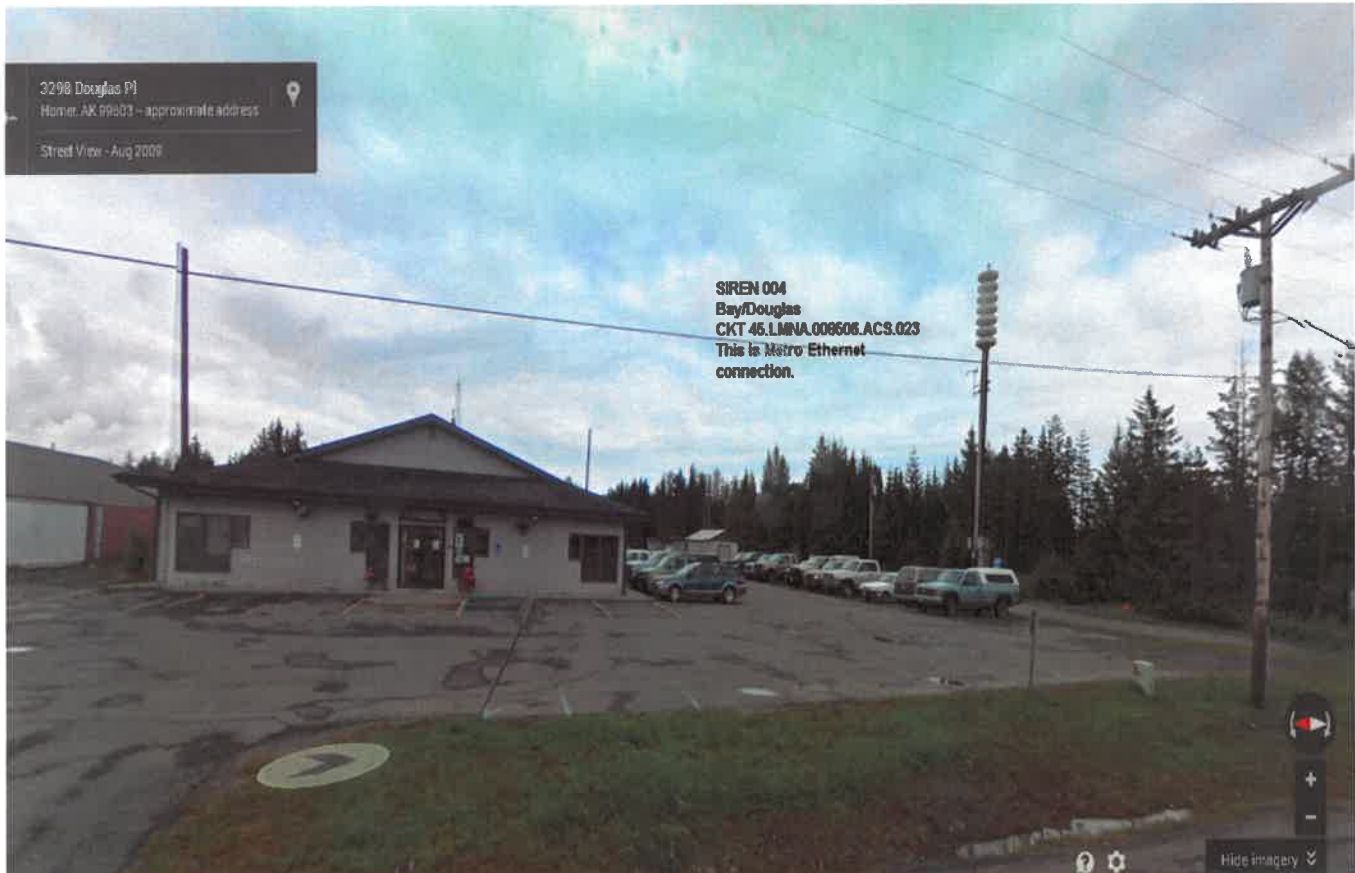
Siren # and current Status	Location	Powered by and Location of Over Current Device	Status of Back-up power	Battery Change out date	Desiccant Replace Date	Communication configuration and supply point	Comm Cabinet devices and configuration	Control Cabinet notes and needs	Battery Cabinet notes and needs	Comm Cabinet notes and needs
12-Good	Seward High School	From school Panel E-3 Brk #16	Photovoltaic panel and controller installed contacted	2020	20-May	On school server	NA	New UV+ on 8-5-20 and radio set to wide band satellite antenna Installed 7-1-21 Q-test good wire & sat 4-7-22	all blankets tested 5-27-20	Good
13-Good	Seward Fire Station	City of Seward maintenance - storage breaker#	Photovoltaic panel and controller installed Not contacted controller	2020	20-Jun	Under ground comes in from repeater site	Telicom Modem updated 9/30/21	New UV+ on 8-5-20 and radio set to wideband FS SD card 11-18-20 satellite antenna Installed 7-8-21Q-test good wire only 4-7-22	all blankets tested 6-10-20	clean up in coming phone line water in cabinet check weather seal
14-Good	Lowell Point	Service adjacent to Pole City of seward 326-463-845	Photovoltaic panel and controller installed Not contacted controller	2019	21-Oct	D mark on Pole 224-2434	Telicom Modem/router/ 24 to 12vdc power supply/l-Boot updated 9/30/21	New UV+ control board installed 2018 FS-SD card 11-19-20 satellite antenna Installed 7-7-21Q-test good wire only 4-7-22		water in cabinet Repaired weather sea





Kenai Peninsula Borough Office of Emergency Management

SEE PICTURES OF HOMER Metro Ethernet locations. Difficult for ACS to find in their computers.



Bay Ave/Douglas PL the ACS address is Ocean Drive which is main drive near the neighbourhood. Fish and Game does not sit where they have addressed.

**004= Fish and Game Bay Ave
CKT: 45.LMNA.008506.ACS.023**

**001= Harbor Master 4348 Homer Spit Road
CKT: 45.LMNA.008506.ACS.024**

**005= Bishops Beach "3300 Beluga Pl"
CKT: 45.LMNA.008506.ACS.025**



Purchasing & Contracting Department

47140 E. Poppy Lane, Soldotna, Alaska 99669 • (907) 714-2260 • (907) 714-2373 Fax

Charlie Pierce
Borough Mayor

ADDENDUM NO. 1

This addendum consists of 5 pages

TO: All RFP Packet Holders

FROM: Kenai Peninsula Borough – Purchasing & Contracting Office

DATE: August 10, 2022

SUBJECT: Request for Proposals – RFP23-001 Mass Notification System

DUE DATE REVISED: September 15, 2022 ~~August 25, 2022~~, by no later than 4:00 PM

Proposers must acknowledge receipt of this Addendum in the appropriate place on the Cost Proposal Form. Failure to do so may result in the disqualification or rejection of the proposal.

As specified in Section 1.3 of the Kenai Peninsula Borough's request for proposals, we have agreed to answer written questions received through August 12, 2022. Attached are formal responses to all the questions that we have received.

We look forward to receiving your proposals by no later than 4:00 PM on September 15, 2022 ~~August 25, 2022~~.

Note: Information in this addendum takes precedence over original information. All other provisions of the document remain unchanged.

Addendum #1
RFP23-001 MASS NOTIFICATION SYSTEM
Questions and Answers

Question #1: Would it be possible to extend the proposal due date to allow 30 days instead of 13?

Answer: We have extended the due date for the Proposal to September 15, 2022 by 4:00 PM. The Evaluation date will be extended to September 21, 2022. The estimated Intent to Award date will be September 28, 2022.

Question #2: Why is there a reference to pole specifications in Appendix A if we are reusing existing poles?

Answer: Included in the RFP are requests for expansion of sites / poles etc. You will need to quote additional units meeting the same specification as existing poles.

Question #3: Is there a Federal or Alaska Prevailing Wage Requirement?

Answer: Compliance with Davis-Bacon Act is applicable to construction contracts in excess of \$2,000 (see page 7 excerpted).

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.

Question #5: Can you provide a better description of RF requirements?

Answer: Assuming that RF Requirements is defined as the type of communications architecture, the proposer is expected to describe multiple methods of activation to ensure that the necessary layers of redundancy are in place to record a successful deployment and receipt of messaging (see page 14; item 11).

Question #6: Can you provide site coordinates?

Answer: Yes

RTU Site #	Site Name	Address/Location	Latitude	Longitude	Parcel
A.1	Homer Harbormaster	4348 Homer Spit Rd	59.602418	-151.422502	18103310
A.2	Homer Spit Ice Rink	3150 Homer Spit Rd	59.61872	-151.45534	18103025
A.3	Homer Spit Mariner	1920 Homer Spit Rd	59.630882	-151.492136	ROW
A.4	Homer Fish & Game	3298 Douglas Place	59.63802	-151.51184	ROW
A.5	Homer Bishops Beach	3300 Beluga Place	59.63814	-151.540467	17714010
B.6	Nanwalek School	63550 Alexandrovsky St	59.354686	-151.920509	19119022
B.7	Seldovia High School	365 Winifred Ave	59.44177	-151.713601	19213015
B.8	Port Graham School	63693 Graham Rd	59.351366	-151.832283	14534027
C.9	Seward Marine Indus Ctr	200 Nash Rd	60.086192	-149.352099	19102003
C.10	Seward Nash Rd	33675 Nash Rd	60.132318	-149.379409	ROW
C.11	Seward Harbormaster	1300 Fourth Ave	60.116487	-149.439608	14733040
C.12	Seward High School	304 Sea Lion Ave	60.130185	-149.442362	14502134
C.13	Seward Fire Station	316 Fourth Ave	60.103833	-149.439644	14912006
C.14	Seward Lowell Pt	13551 Lowell Point Rd	60.071998	-149.444530	18902001

Question #7: From Section 1.2 regarding Public Address Announcements, please explain in more detail the deliverable?

Answer: The new system must be equipped and programmed to deploy live announcements either at individual siren sites, a group of siren sites or to all siren sites.

Question #8: From Section 16, what are the licensing requirements for radio signaling?

Answer: The proposer should make recommendations for any licensing requirements that may be required (see page 15, item 17).

Question #9: Who is responsible for removing existing equipment?

Answer: The contractor is responsible for carefully removing the existing equipment and delivering it to the closest Borough Maintenance Office (see page 16, item 24).

Question #10: Will we consider a hybrid install that does not include the existing system in operational use on the same pole?

Answer: The commissioning program proposed must include a long period where both new & existing systems are in operation. Mounting a second siren should not be a barrier to this process.

Question #11: How do we set up a site visit?

Answer: Email Purchasing@kpb.us with your specific request.

Question #12: Section 5.0 Scoring, will 1 or 2 topics / scores drive the high score?

Answer: The scoring is weighted and based on the cumulative total.

Question #13: Do we expect solar or wind generated utilities to be used?

Answer: The contractor must evaluate all possible options for alternative power source(s) and propose the most robust system possible.

RFP23-001
MASS NOTIFICATION SYSTEM
AUGUST 8, 2022 – 11:00 AM
OEM FACILITY

Name	Company	Phone, Fax, Email
WADE Thomas	Taylor Fire Protection	907-575-6383 WADE@TAYLORFIRE.COM
DOUG RAINES	GENASYS INC	858-716-6148 DRAINES@GENASYS.COM
	ALERTUS Technologies ^{INC}	202-353-7887
TAREK BASSIOUNI	ATISYSTEMS ATISYSTEMS.COM	TAREK@ATISYSTEMS.COM 917-373-8873
	ALSTER COMMUNICATIONS	
Joe DEICARPINI	Hyper Spike	260-438-5738
TOM MEYER	CARRIER / EDWARDS	TOM.MEYER@CARRIER.COM 314-302-0291
KATELYN ROE	FEDERAL SIGNAL CORP.	KROE@FEDSIG.COM



Purchasing & Contracting Department

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Charlie Pierce
Borough Mayor

ADDENDUM NO. 2

This addendum consists of 22 pages

TO: All RFP Packet Holders

FROM: Kenai Peninsula Borough – Purchasing & Contracting Office

DATE: August 16, 2022

SUBJECT: Request for Proposals – RFP23-001 Mass Notification System

DUE DATE: September 15, 2022, by no later than 4:00 PM

Proposers must acknowledge receipt of this Addendum in the appropriate place on the Cost Proposal Form. Failure to do so may result in the disqualification or rejection of the proposal.

As specified in Section 1.3 of the Kenai Peninsula Borough's request for proposals, we have agreed to **extend the question period through August 22, 2022** (question deadline extended). Attached are formal responses to all the questions that we have received to date.

We look forward to receiving your proposals by no later than 4:00 PM on September 15, 2022.

Note: Information in this addendum takes precedence over original information. All other provisions of the document remain unchanged.

Addendum #2
RFP23-001 MASS NOTIFICATION SYSTEM
Questions and Answers

Question #1: When the specification mentions at least three activation methods, with preference for more, is this referring to multiple transmission paths (i.e. UHF, cellular, WiFi, etc) from the control system to each siren, or does it mean that the system has to be capable of sending different paths to different sirens? In other words, one siren may require cellular while another may require UHF due to its location?

Answer: The new system has to be capable of deploying different transmission paths to ensure the receipt and activation of different sirens. One siren may require cellular whereas another location may require UHF due to location.

Question #2: During the transition phase, will it be acceptable for the operators to use two systems to activate? Or, do the existing sirens need to be modified first to support both control systems while the new sirens are being transitioned into the system?

Answer: The existing sirens may need to be modified first to support both control systems while the new sirens are being transitioned into the new system. The contractor will be expected to evaluate and present the optimum solution to complete the transition phase.

Question #3: The specification mentions utilizing the existing Cisco routers at the sirens. Is the customer providing the support for the network mapping? In other words, will the supplier just be connecting to the existing network provided by the customer or does the supplier have to install and setup the network?

Answer: The supplier will be connecting the new system to the existing network, but will need to coordinate with the borough's IT department in doing so.

Question #4: Also, similar to question 3, are the other communication paths provided by the customer (i.e. UHF radio system, cellular service, etc)?

Answer: NOAA weather radio, broadband and satellite are currently in place. NOTE: satellite is not reliable under the current system at the following locations: Nash Road in Seward AK, nor at the individual siren sites located in the communities of Port Graham, Nanwalek or Seldovia. Broadband is not reliable in Port Graham or Nanwalek sites.

Question #5: Is there an existing UHF Infrastructure in place and functional?

Answer: No

Question #6: Mentions leveraging a radio repeater system, could you provide details on this system?

- a. Does it provide sufficient RF coverage of all the indicated siren locations?
- b. Locations of Repeaters?
- c. Radio Specs, UHF/ VHF?
- d. Radio Repeater Manufacturer, Model, etc.

Answer: The borough completed a radio communications study in 2020. Proposers are encouraged to review the study to better understand the potential use of repeaters. The contractor must provide recommendations for the use of tower locations and the plan to incorporate these assets into the redundancy capabilities.

Question #7: What existing communication hardware/ devices do you wish for us to re-use?

Answer: Siren poles, three servers, computers, monitors and fourteen (14) Ethernet routers

Question #8: The RFP mentions that the current system utilizes the Cisco C1111X-8P router:

- a. What is the location of these routers?
- b. Outside with the poles?
- c. Are the Sirens connected to these routers via Hardwired (Cat6/ Ethernet)?

Answer: These routers are currently in storage.

Question #9: The RFP mentions AC power as the primary source, is Solar to be used as secondary power?

Answer: The contractor must evaluate all possible options for alternative power source(s) and propose the most robust system possible based upon Alaska's weather, terrain and solar challenges.

Question #10: Due to the Technical sophistication of this project and delivery considerations, is there a method to submit our proposal to you electronically?

Answer: Proposals may be submitted electronically using the submission process through BidExpress.com.

Question #11: Will there be another round of questions? Based on some of the answers, some more questions may be needed.

Answer: Yes, the question period has been extended. Please submit questions before 4:00PM August 22, 2022. Questions may be submitted through the online questions and answers section on BidExpress.com, faxed to (907) 714-2373 or emailed to purchasing@kpb.us. The subject line of the email should read: "Questions: RFP23-001 "Mass Notification System."

Question #12: 3.0 Scope of Work Page 13. 2nd Paragraph, the description says replacement of..... 'satellite'. Can you explain what is meant by the reference to satellite under replacement?

Answer: The word "satellite" references the need to resolve the challenge.

Question #13: The first question addresses the answers to **question 10 in addendum 1**. I want to again ask you to address the answer that was provided to question 10. In order to provide a true Omni Directional siren solution, the equipment needs to be mounted at the top of the pole. If existing poles are to be used (kept in service while the new system is installed) as outlined in your RFP, as far as we know, there is no true 360-degree Omni option available to mount equipment below the top of the pole.

Answer: See Addendum 2, Question 2 Answer.

Question #14: This question addresses the answers to **question 3 in addendum 1**, could you please provide the Davis Bacon wage determination number and the applicable date that will relate to this project?

Answer: Catalogue of Federal Domestic Assistance (CFDA) number #97.067 U.S. Department of Homeland Security, Federal Emergency Management Agency. The applicable date cannot be estimated at this time.

Question #15: In developing the specifications relating to sound coverage as outlined in Appendix A, page 3 of 5, section A.09, did you take into consideration the FEMA outdoor warning system guide CPG 1-17 which outlines the acceptable STL at ground level of 123dB at the siren location?

Answer: The contractor must demonstrate comprehensible audio functionality during the commissioning phase of this project.

Question #16: Is the Borough accepting a bid from HQE, the consultant that worked with the Borough on evaluating your existing system? Or, do you consider that using the consultant hired by the Borough to provide a proposal would constitute a conflict of interest by allowing them to submit a proposal on this project?

Answer: The borough does not restrict qualified vendors from submitting proposals; HQE is considered a qualified proposer. The vendor HQE was hired to provide a gap analysis report of the current system, which is included in this addendum.

Question #17: Can you provide information for the radio provider along with a contact that is most familiar with the RF system that currently exists in the Kenai Borough?

Answer: The following answer is based upon the assumption that the "radio provider" is for the current system using UHF capabilities. The current system does not employ UHF capabilities other than the utilization of NOAA weather radio for initial activation.

Question #18: On January 5, 2021, the Borough put out a request for upgrades to provide additional RF support for the Kenai Peninsula Borough siren warning system. Could you please confirm what, if any, work was completed as a result of this request?

Answer: The request was to install conventional repeaters at three individual sites and to connect via IP connectivity; however, this project was never done.

Question #19: Section 1.1 Item 2 - Could you please provide a more detailed description of what you are looking for on item 2 relating to the cost for audio and visual alerting capabilities inside and outside of buildings?

Answer: The borough has public facilities located within the inundation zones of Kachemak and Resurrection bays. The borough would like to consider installing visual and audio alerting devices, such as flashing lights and alarm-type devices, alerting people that the sirens are sounding.

Question #20: Page 16, Item 26, Section A - Could you please identify what permitting requirements are required for the installation of the new sites identified?

Answer: The proposer must identify all necessary permitting requirements for new construction sites.

Question #21: Page 16, Item 26, Section B - Please describe in detail what audio and visual alerting capabilities you are looking for at the two sites identified.

Answer: See Addendum 2, Question 19 Answer.

Question #22: Do you have information on the maintenance provided on your existing system including who was responsible and how often inspections and preventative maintenance were completed?

Answer: See Appendix A Tsunami Siren Maintenance Spreadsheet 04/11/2022. The system test logs ending 08/10/2022 are attached.

RFP23-001 Siren System Test Log January 5, 2022 – August 10, 2022

U	Date	001 Homer Spit	002 Homer Spit	003 Homer Spit	004 Homer Spit	005 Homer Spit	006 Nanwalek	007 Seldovia	008 Port Graham	009 Seward	010 Seward	011 Seward	012 Seward	013 Seward	014 Lowell Pt	Date2
	08/10/2022	...	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	8/10/2022
	08/03/2022	...	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	8/3/2022
U	7/27/2022	...	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	7/27/2022
	7/20/22	...	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	7/20/2022
	7/13/2022	...	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	7/13/2022
	7/6/22	...	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	7/6/2022
	6/29/22	...	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	6/29/2022
	06/22/22	...	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	6/22/2022
	4/27/22	...	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	4/27/2022
	3/30/22	...	Yes	Yes	Yes	No	No	Yes	Yes	Yes	No	Yes	No	Yes	Yes	3/30/2022
	3/23/22	...	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	No	Yes	Yes	3/23/2022
	3/16/22	...	Yes	No	Yes	No	No	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	3/16/2022
	3/9/22	...	Yes	Yes	Yes	Yes	Yes	No	Yes	No	Yes	Yes	No	Yes	Yes	3/9/2022
	2/23/22	...	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	2/23/2022
	2/16/22	...	Yes	No	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	2/16/2022
	2/2/22	...	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	2/2/2022
	1/5/22	...	Yes	Yes	Yes	Yes	No	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	1/5/2022



Mass Notification Survey

Prepared May 2022

For The Kenai Peninsula Borough

www.HQESystems.com

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1. Executive Summary

To the distinguished Kenai Peninsula Borough's Leaders,

HQE Systems, Inc. (HQE) is a Service-Disabled Veteran-Owned Small Business (SDVOSB) with its global headquarters in Temecula, CA. Since 2014, HQE has been designing, engineering, installing, and maintaining Mass Notification Systems (Central Control Units, Outdoor Sirens, Control Cabinets, Radios, Solar Chargers, and Subcomponents of Mass Notification Systems) solutions for a host of clients worldwide. HQE is a brand agnostic systems integrator that has successfully completed major Mass Notification System implementations for all levels of the Government and Federal Agencies.

HQE was retained by the Kenai Peninsula Borough ("the Borough") to investigate the current system and report the most ideal/effective Mass Notification System that meets the Borough's requirements. The intent of the system is to provide Mass Alerting and Warning in the event of natural and manmade disasters. HQE's Mass Notification Systems Implementation Report would provide the decision-makers with the information necessary for considering requirement solutions.

To develop the report, HQE conducted an implementation study. The study includes open-source data research and site survey information that was utilized to create this report.

- ❖ **Open Source Data:** Researching the local environment data such as previous emergency events, historical weather conditions, and other open-source information would enable our engineers to better understand the external environmental factors that could impact the Borough's day-to-day operations.
- ❖ **Site Survey:** Study of the local environment/infrastructure to include the availability of power, potential installation points, residential buildings, and topography (manmade and natural). In addition, to analyze the presence and signal capabilities of cellular, radio, and other communications channels.

Upon reviewing and analyzing the information gathered, it was determined that an upgrade or replacement of the existing outdoor warning siren system would be ideal for the Borough. The current outdoor warning systems market has many capable solutions providers that can provide the solution for the Borough. It appears that the options for the Borough are:

- ❖ **Option A - Full Upgrade** of the Existing System: Replace the existing system with the same manufacturer's product.
- ❖ **Option B - Full Replacement** of the Existing System: Replace all equipment including the base stations, sirens, and support communications network with another manufacturer's system.
- ❖ **Option C - Combination** of Upgrade & Replacement: Modernizing the existing system with a solution that can improve the operational readiness of the existing system without a complete replacement of the existing system.

All options above can be sourced from the current industry as there are many manufacturers and systems integrators that can provide all of the options above. It should be noted that the price and capabilities of systems available in the open market vary.

2. Report Development Methodology

2.1 Kick-Off Meeting (Clear Project Guidelines)

HQE conducted a project kickoff meeting in April 2022 with the Borough that established mutual acquaintance, clarified roles, and confirmed the desired outcomes and deliverables. Utilizing its experience and expertise in MNS, HQE was able to better understand the constraints of the project and how HQE could best serve the Borough in achieving its ultimate goal of Saving Lives and Protecting Property.

2.2 Conduct A Site Survey (Gathering Information)

HQE conducted a detailed site survey and spent time on-site gathering information to fully understand the constraints that could impact the system's operational and technical performances. During the on-site interview, HQE reviewed each element of an MNS and documented expectations and requirements of the system. The Borough provided site information based on the current desires of the Borough and potential pitfalls to consider when planning for the new MNS. HQE's analysis began with the initial Borough-provided project considerations to ensure that HQE's efforts would be aligned with the Borough's desires. While on-site, HQE assessed the existing systems' functionalities and operational status.

2.3 Environment Analysis (Data-Driven Planning)

HQE conducted the site survey to ensure the outdoor emergency alert signal is distributed optimally throughout the Borough. HQE measured the dB rates of each siren to measure the output of the system. In addition, the site survey engineer assessed each siren's location to determine if there were any environmental issues that may have been degrading the overall sound propagation from the system throughout the intended coverage area.

The study considered various environmental factors including

- ❖ Temperature (extreme freezing)
- ❖ Coastal Humidity & Rainfall
- ❖ Vegetation (types and disbursement)
- ❖ Wind speed and direction
- ❖ Man-Made structures (buildings, towers, etc)
- ❖ Topography (elevation changes)

The existing sirens and any future siren sites must take into consideration the environmental factors of the Borough. Specifically, the sirens must be able to overcome the challenges of extreme temperatures, snowfall, and crosswinds.

3. Assessment

The Kenai Peninsula Borough ("the Borough") sought an upgrade plan report for a modern Mass Notification System (MNS). The requirement specifically desired an effective outdoor solution that could operate in any threat event environment. The Borough contracted HQE Systems, Inc. ("HQE"). Since the contract award, HQE has performed industry research, site surveys, internal working group analysis of the site survey information, and drafted the proposed solution options for the Borough.

General Information Of The Borough

Line	Description	Borough Data
1	Access To Borough	AK-1 (Seward Highway), Local Harbors, Kenai Municipal Airport
2	Population (2020)	59,767
3	Housing Units	31,439
4	Land Area	16,075.33 SqMi
5	Water Area	8,676.98 Square Miles
6	AVG. Snow	~ 82 Inches
7	AVG. Annual RainFall	~ 32 Inches
8	AVG. High Wind Speed	~ 10 - 18 MPH (Jan - Apr, and Sep-Dec)

* Source: Kenai Peninsula Emergency Management (Emergency Operations Plan)

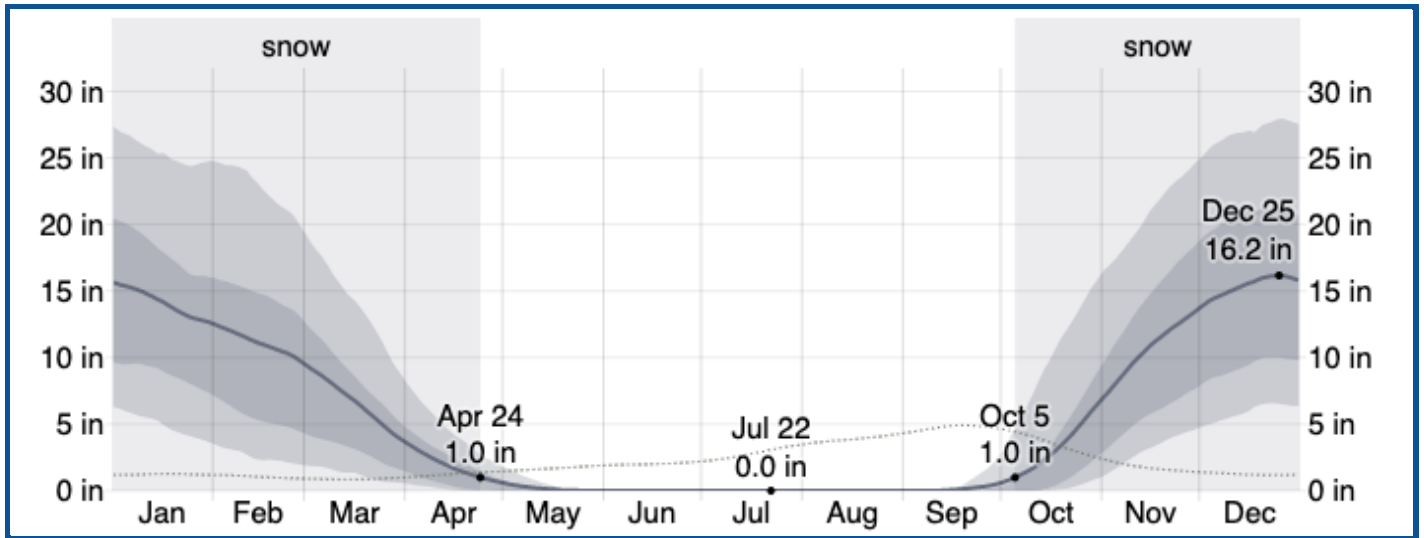
3.1 Key Emergency Issues Assessed

The following emergency situations were identified in our research to be of threat to the Borough.

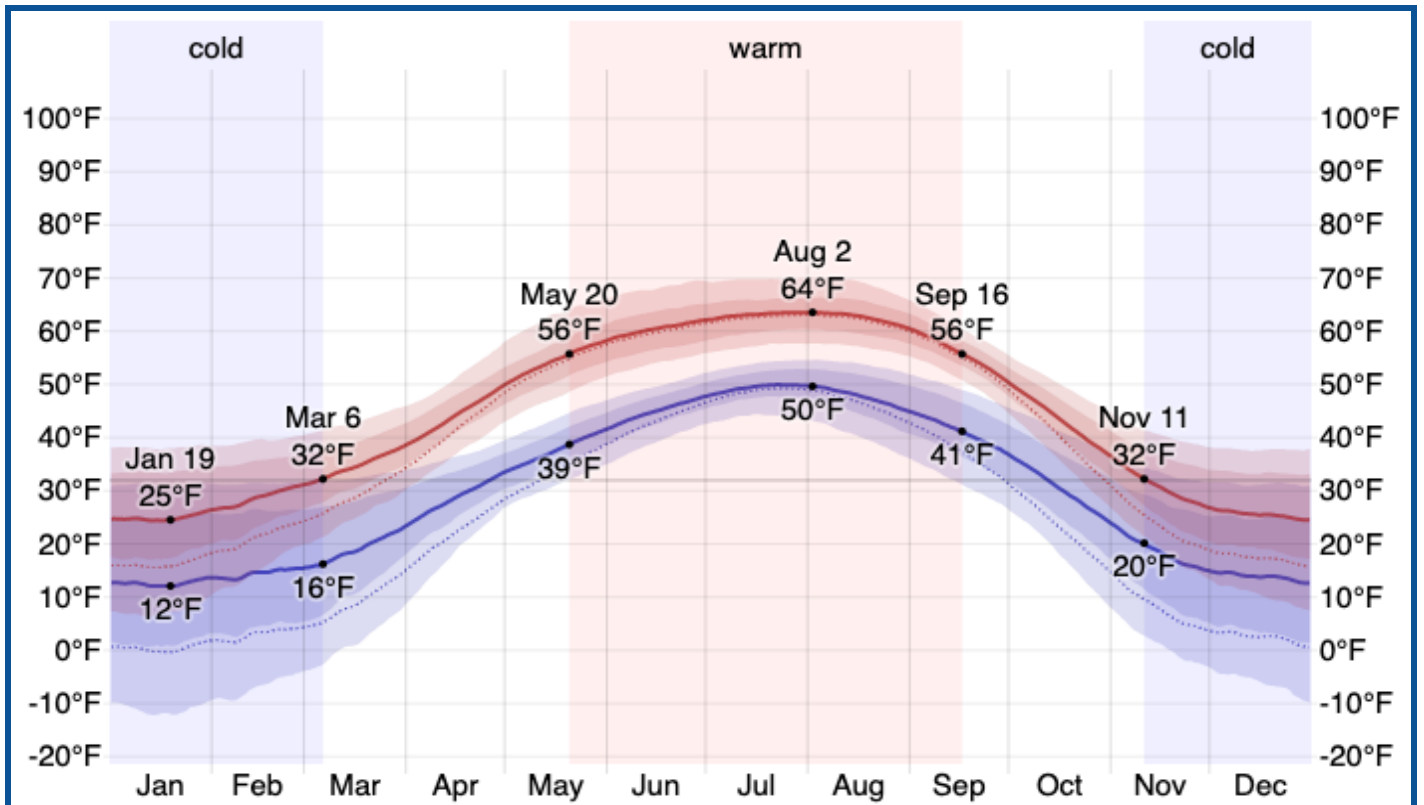
Natural	Technological	Human/Social
<ul style="list-style-type: none"> • Tsunami • Earthquake • Wildfire • Extreme Weather • Flooding • Avalanche • Ground Failure/Landslide • Volcanic Ashfall • Severe Erosion • Infectious Disease • Food/Water contamination • Pandemic 	<ul style="list-style-type: none"> • Dam Failure • Energy Emergency • Urban Fire • Hazardous Materials Release • Power Failure • Radiation Release • Transportation Accident • Pollution • Communications Failure 	<ul style="list-style-type: none"> • Civil Disturbance • Terrorism • WMD: Chemical, Biological, Radiological, Nuclear, or Explosive Agents

* Source: Kenai Peninsula Emergency Management (Emergency Operations Plan)

- ❖ Average Weather For The Borough
 - Average snowfall



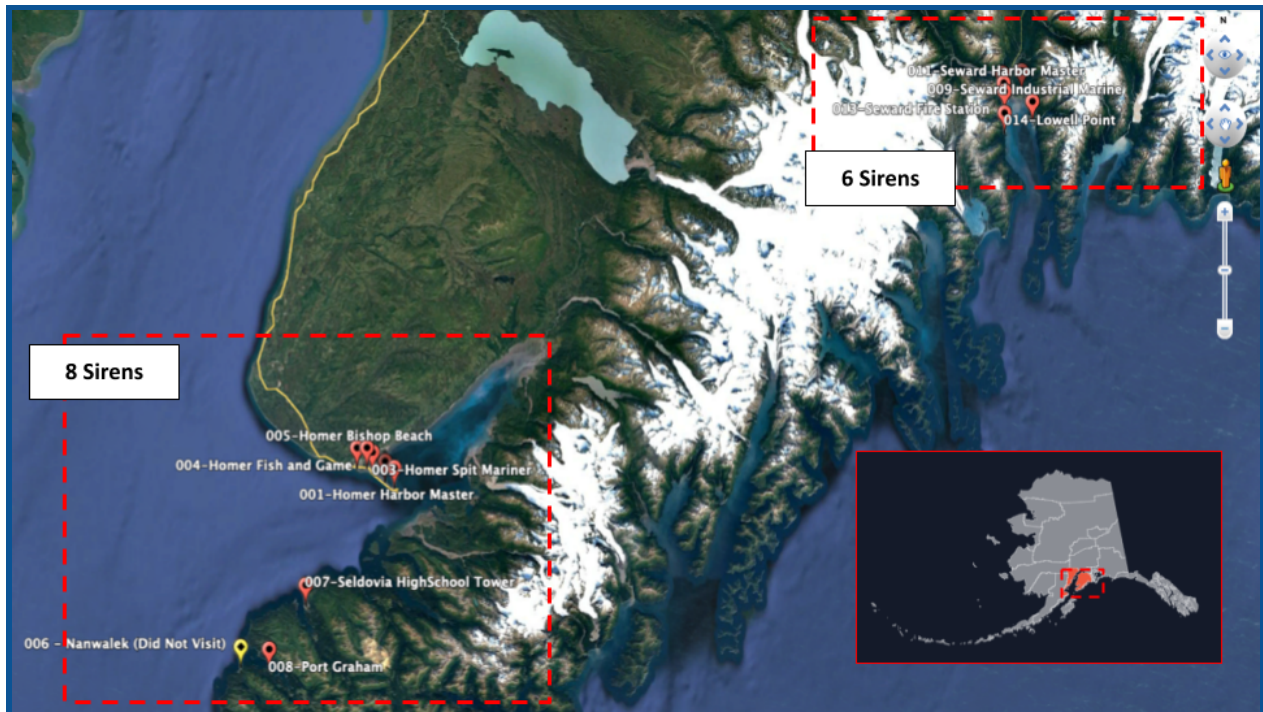
- Average temperature



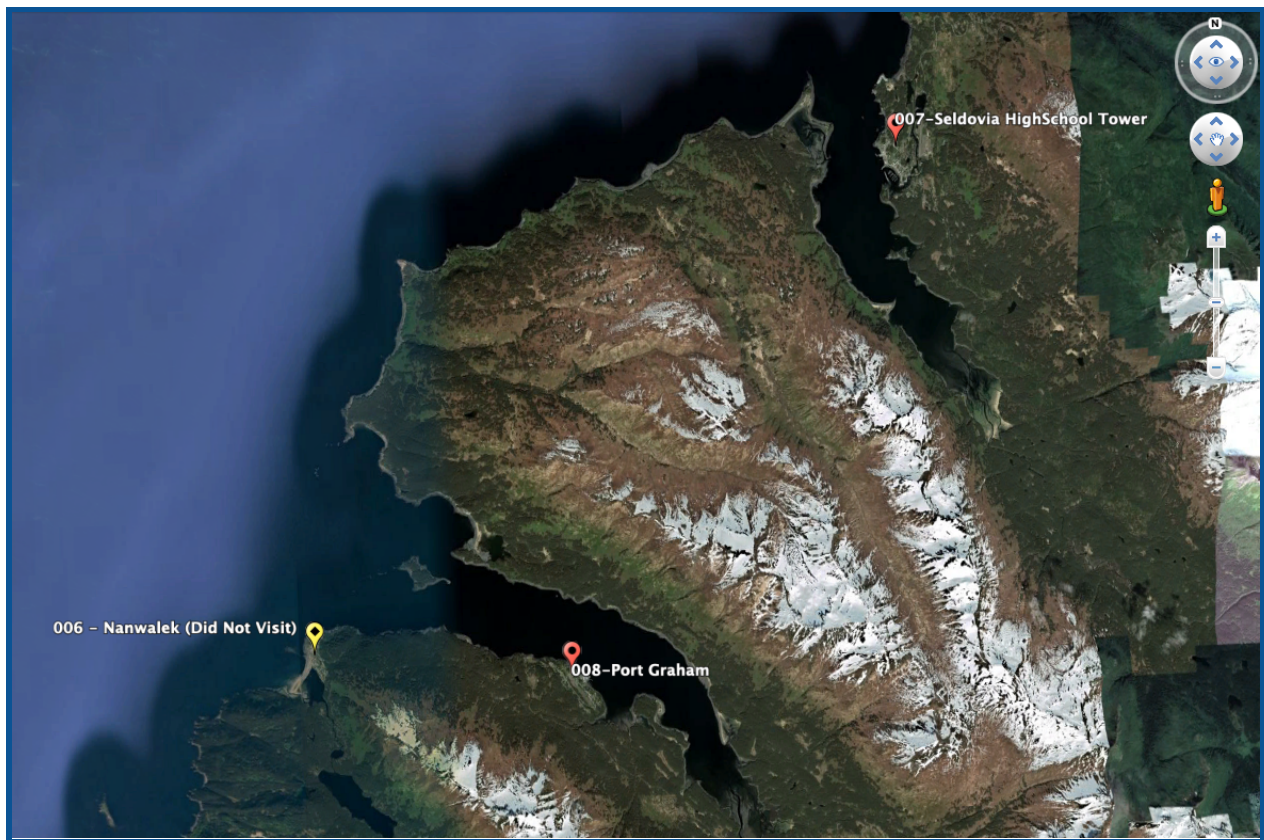
3.2 Key Information, Issues, and Proposed Solutions For Consideration

3.2.1 Overview Of The Existing System

- The Borough currently utilizes the Federal Signal outdoor warning system (base station, software, and outdoor warning sirens).
- The Primary Base station for the Borough's Mass Notification (Tsunami Warning) system is located at the Emergency Response Center (ERC) in Soldotna, Alaska.
- The Borough uses a Windows 10 PC to operate the Federal Signal Commander software at the base station/headend.
- The Mass Notification (Tsunami Warning) system includes
 - QTY 6, Outdoor Warning Siren sites in the Seward area
 - QTY 8, Outdoor Warning Siren sites in the Homer area



Note: Locations of the current sites were identified during the site survey. Siren site 006 (Nanwalek was not visited due to inclement weather).





3.2.2 Information Gathered During The Site Survey

The following table depicts the information gathered during the site survey.

#	Location	Existing Siren	Pole Material	DBL Level	Comm.	Comm. Signal Strength	Power	Ground	Weather Issues	Crane Accessible	Site Notes
1	Homer Harbor Master	Federal Signal (7 Sirens)	Wood	Min: 45.6 Max: 68.4	1: ISP DSL 2: SATCOM	Limited to Disconnected	AC Main to Battery	Dirt	Snow Ice	Yes	
2	Homer Spit Ice Rink	Federal Signal (7 Sirens)	Wood	Min=68.5 Max=73	1: ISP DSL 2: SATCOM	Limited to Disconnected	AC Main to Battery	Dirt	Snow Ice	Yes	
3	Homer Spit Mariner	Federal Signal (6 Sirens)	Wood	Min=55.2 Max=78	1: ISP DSL 2: SATCOM	Limited to Disconnected	AC Main to Battery	Dirt	Snow Ice	Yes	
4	Homer Fish and Game	Federal Signal (7 Sirens)	Wood	Min=64.8 Max=82	1: ISP DSL 2: SATCOM	Limited to Disconnected	AC Main to Battery	Dirt	Snow Ice	Yes	
5	Homer Bishop Beach	Federal Signal (7 Sirens)	Wood	Min=48.3 Max=106.8	1: ISP DSL 2: SATCOM	Limited to Disconnected	AC Main to Battery	Dirt	Snow Ice	Yes	
6	Nanwalek	Federal Signal (7 Sirens)	Wood	Did Not Visit Due To Weather	1: ISP DSL 2: SATCOM	Limited to Disconnected	AC Main to Battery	Dirt	Snow Ice	Yes	Access via Boat or Plane
7	Seldovia School	Federal Signal (6 Sirens)	Wood	Min=43.6 Max=81.6	1: ISP DSL 2: SATCOM	Limited to Disconnected	AC Main to Battery	Concrete	Snow Ice	Yes	Access via Boat or Plane
8	Port Graham	Federal Signal (7 Sirens)	Wood	Min=40.6 Max=86.4	1: ISP DSL 2: SATCOM	Limited to Disconnected	AC Main to Battery	Dirt	Snow Ice	Yes	Access via Boat or Plane
9	Seward Marine Industrial Center	Federal Signal (7 Sirens)	Wood	Min=50.7 Max=69.8	1: ISP DSL 2: SATCOM	Limited to Disconnected	AC Main to Battery	Cement	Snow Ice	Yes	
10	Nash Road	Federal Signal (7 Sirens)	Wood	Min=44.5 Max=70.1	1: ISP DSL 2: SATCOM	Limited to Disconnected	AC Main to Battery	Dirt	Snow Ice	Yes	
11	Seward Harbor Master	Federal Signal (7 Sirens)	Wood	Min=48.6 Max=70.2	1: ISP DSL 2: SATCOM	Limited to Disconnected	AC Main to Battery	Concrete	Snow Ice	Yes	
12	Seward High School	Federal Signal (7 Sirens)	Wood	Min=48.4 Max=80.2	1: ISP DSL 2: SATCOM	Limited to Disconnected	AC Main to Battery	Dirt	Snow Ice	Yes	
13	Seward Fire Station	Federal Signal (7 Sirens)	Wood	Min=50.4, Max=78	1: ISP DSL 2: SATCOM	Limited to Disconnected	AC Main to Battery	Dirt Cement	Ice	Yes	
14	Lowell Point	Federal Signal (7 Sirens)	Wood	Min=43.8, Max=85	1: ISP DSL 2: SATCOM	Limited to Disconnected	AC Main to Battery	Dirt	Ice	Yes	

* Source: Kenai Peninsula Emergency Management Office

3.2.3 Issues To Consider

1. The sirens at the end of the Homer spit do not have adequate coverage with the alerts. This creates a significant safety hazard for any residents at the end of the spit during an emergency. The existing siren may not have the adequate output to overcome environmental issues. It should be noted that there are high winds in the entire region and specifically on the spit being surrounded by the harbor.
2. Currently, the existing system installed lacks the capability to activate a Live Public Address announcement. This is due to the current base station not being provided by the previous supplier with a microphone, live public address configuration, and equipment to perform this capability.
3. Similar to the above, the existing siren sites lack the capability to perform a Local Live Public Address announcement. This is due to the existing siren control cabinets lacking the local operating capabilities.
4. The communications infrastructure has been unreliable to support the life safety mission of the outdoor warning sirens. The Borough utilizes the Federal Signal S2000 central control unit software to activate and transmit alerts via the following three communications methods:
 - **NOAA:** The Borough utilizes the NOAA Radios which receive the emergency warning feed for any weather issues that will automatically activate the transmission of a prerecorded weather warning alert to the outdoor warning sirens.
 - **ISP:** The Borough utilizes the 2wire DSL connections run on the Alaska ISP network, TEL Alaska, and Alaska Telecom. All sites have DSL modems and switches that connect them back to the central control station software.
 - The following sites receive their DSL connections via a microwave shot from Homer: Nanwalek, Port Graham, and Seldovia. The microwave shot is limited and is highly unreliable. It is noted that these locations have lost communications signals for weeks at a time.
 - **Satellite:** The Borough currently has satellite receivers. These satellite receivers are currently degraded and/or non-functional. The satellite receivers were provided and installed by the existing systems vendor. This degradation appears to be from issues caused by temperature and requiring “warm start” procedures that are time-consuming when abundant time is not available during an emergency. Lastly, it was noted that these satellite receivers had low connectivity signals with the satellites.

3.2.4 Capabilities To Consider

The following capabilities are highlighted to provide the Borough with additional information on the capabilities of the mass notification systems market.

1. Mobile alert management devices. Taking into account the multiple locations that the Borough has to manage during an emergency, having mobile alert management devices may increase the emergency response team's effectiveness. There are multiple solution options in the market that provide "ruggedized" mobile devices in multiple sizes (laptop and handheld size equivalent) that will allow any authorized user to have the ability to manage alerts on the move and remotely from any location. These devices can communicate via multiple communications signal methods (VHF/UHF, IP, Cellular, etc.) to any of the local sirens or the entire siren system. Having these mobile devices at each siren clump site (Homer, Seward, Nanwalek, Port Graham, and Seldovia) will greatly increase the readiness of the system.
2. Indoor notifications. During the site survey it was noted that although there is an existing outdoor warning system, the Borough lacks the indoor alerting capabilities. Many of the manufacturers provide integrated indoor alerting capabilities. This is achieved by installing integration modules between the indoor endpoints with the Borough's base stations. Being able to provide audio and visual alerts indoors as well as outdoors significantly increases the effectiveness of the early warning systems.
3. Local alerting via an integrated network for the sirens. In addition to alerting the base station to each siren system, the Borough could also integrate the clumps of sirens in each site for the local activation. In the event that the signal from the base station doesn't clearly connect to the siren system, a nearby siren in the clump could trigger the activation of the other siren not triggered by the base station. This local activation is similar to a "mesh" network to provide additional reliability to the system.
4. The Borough should consider utilizing the standard telecommunications infrastructure to communicate with and activate the siren points from the base stations. It was noted that the current activation procedures utilize the existing school IP infrastructure. Potentially having a standalone communications infrastructure will allow the Borough to increase the readiness of its outdoor siren system. It is advised that the Borough utilize the independent communications system for all three (3) options provided. The ideal network infrastructure should consider VHF/UHF, SATCOM, Cellular, or a combination of all three to incorporate redundancy and improve operational readiness. For VHF/UHF, Motorola products should be considered for their high quality and reliability. The solution provided should be capable of integrating with the ALMR, P25, TDMA, and be Phase 2 compliant.
5. Introduce a stronger SATCOM capability into the Borough. In addition to having a strong SATCOM network for the sirens to operate on, the Borough's other organizations (education, health services, transportation, public utilities, etc.) could also utilize the new SATCOM service to improve their own mission success. Ultimately this would help the community in many different ways that would impact the overall health and wellness of the community.

4. Conclusion of Report

HQE is pleased to conclude this report for the Borough. The report proposes three (3) unique outdoor warning systems installation options for the Borough to consider. These options were proposed based on the Borough's mission, environment, and current industry capabilities. Although the Borough faces several challenges that were identified by HQE, the outdoor warning sirens industry is fully capable of mitigating all of the issues and providing an ideal solution. With the recent rapid growth of the Mass Notification Systems industry, the Borough will be able to source a solution from multiple entities that are technically capable of providing the solution. The majority of the manufacturers and systems integrators have solutions that will meet or exceed the Borough's requirement if it chooses to move forward with any of the options provided.

End of Survey



www.HQESystems.com

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Purchasing & Contracting Department

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Charlie Pierce
Borough Mayor

ADDENDUM NO. 3

This addendum consists of 3 pages

TO: All RFP Packet Holders

FROM: Kenai Peninsula Borough – Purchasing & Contracting Office

DATE: August 30, 2022

SUBJECT: Request for Proposals – RFP23-001 Mass Notification System

DUE DATE: September 15, 2022, by no later than 4:00 PM

Proposers must acknowledge receipt of this Addendum in the appropriate place on the Cost Proposal Form. Failure to do so may result in the disqualification or rejection of the proposal.

As specified in Section 1.3 of the Kenai Peninsula Borough's request for proposals, we have agreed to answer written questions received through August 22, 2022. Attached are formal responses to all the questions that we have received.

We look forward to receiving your proposals by no later than 4:00 PM on September 15, 2022.

Note: Information in this addendum takes precedence over original information. All other provisions of the document remain unchanged.

Addendum #3
RFP23-001 MASS NOTIFICATION SYSTEM
Questions and Answers

Question #1: Please see the questions on the RFP23-001 Mass Notification System. Question 1, addendum 2- I would like to ask the question again for clarification. My specific question is, do all the sites have to have at least three activation methods, or does each site just have to have one good method of activation? Not three activation methods at each location.

Answer: Three methods are required at each site.

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.

Question #3: Question 17, addendum 2- Could you please provide the information for any radio provider that provides any RF services to the Borough unrelated to the current warning system?

Answer: The Borough does not have a dedicated RF services provider or vendor.

Question #4: Question 20, addendum 2- Request for additional information. Could you please provide a contact for the Borough who will be familiar with determining requirements for new construction sites?

Answer: We can answer specific questions, not provide Q&A resources.

Question #5: On page 10 of the HQE report, there is a section that lists the DBL level output for of each of the remote siren locations. Could you please provide additional information on how those DBL output levels were calculated?

Answer: The borough does not have this information.

Question #6: Can you provide a list of the buildings to include address, description, sq ft and number of floors that require audio and visual alerting capabilities for inside and outside of buildings that are within the scope of work for RFP23-001 Mass Notification System? Can you provide drawings of each building?

Answer: RFP 23-001 3.26B (page 16) lists the two-story KPB Maintenance Facility at 638 East Pioneer Ave, Homer, Alaska, and the two-story, Bear Creek Fire Station located at 13105 Seward Highway, Seward, Alaska. We will not be providing drawings at this time but will work with the successful proposal to ensure all necessary information is provided.

Question #7: Would you provide details of the alerting systems that exist within each building now to include manufacturer, make and model?

Answer: These buildings currently do not have any alerting systems in place.

Question #8: What are the communication methods required for each building?

Answer: RFP 23-001 3.26B (page 16) states both audible and visual.

Question #9: Could you provide the siren locations for installation of new sirens in Kachemak, Resurrection bays, Anchor Point and Kachemak Selo?

Answer: The contractor is expected to propose the recommended locations based upon their expertise.



Purchasing & Contracting Department

47140 E. Poppy Lane, Soldotna, Alaska 99669 • (907) 714-2260 • (907) 714-2373 Fax

Charlie Pierce
Borough Mayor

INTENT TO AWARD

TO: Distribution

DATE: October 3, 2022

SUBJECT: Request for Proposals – RFP23-001 Mass Notification System

This letter is to formally notify you of the Kenai Peninsula Borough's intent to award the contract for the above referenced subject to HQE Systems, Inc. A committee consisting of administrative personnel reviewed and evaluated the proposal based on criteria contained in the RFP. The rankings are as follows:

<u>FIRMS</u>	<u>LOCATION</u>	<u>TOTAL SCORE</u>
HQE Systems, Inc.	Temecula, California	369
Arcticom / Bering Straits Native Corporation	Anchorage, Alaska	202
West Shore Services	Allendale, Michigan	168
Acoustic Technology, Inc.	Boston, Massachusetts	167
Ascension Associates Consulting, LLC	Pike Road, Alabama	146
Northern Support Services	Anchorage, Alaska	113

Please understand that the Intent to Award pursuant to the request for proposals does not create a contract and that a contract shall not be formed and no rights shall exist under a contract for the subject work unless and until a contract is fully executed by all parties and filed with the Kenai Peninsula Borough Clerk. It is further understood that performance will not commence until a contract is fully executed and filed with the Borough Clerk.

If you have any questions regarding this notice of intent to award, please contact the Purchasing & Contracting office at (907) 714-2260.

We appreciate your interest in doing business with the Kenai Peninsula Borough.

John Hedges

John Hedges
Purchasing and Contracting Director



Integrated Notifications Systems, LLC.
A West Shore Services Company

Michigan Office - 6620 Lake Michigan Drive Allendale MI 49401
Alaska Office - 3062 North Circle Anchorage AK 99507

October 6, 2022

Purchasing & Contracting Department
Attn: John Hedges, Purchasing and Contracting Director
47140 E. Poppy Lane
Soldotna, AK 99669

RE: Appeal of RFP23-001 Mass Notification System

Dear Director Hodges,

In accordance with Kenai Borough chapter 5.28 of the KPB code, we hereby officially appeal/protest the award for RFP 23-001 Mass Notification System, released by the Kenai Peninsula Borough on August 2, 2022. Our appeal/protest complies with the requirement of KPB 5.28.32 of the Borough code, and is being hand-delivered with the required \$300.00 fee as of this date.

As outlined in section B in contents of appeal, we have provided the requested information for our appeal under the six requirements listed.

B.

Contents of appeal. A written appeal shall, at a minimum, contain the following:

1.

The name, address, and telephone number of the interested party filing the appeal;

Integrated Notification Systems, L.L.C- A company owned by West Shore Services, Inc

a. **Primary Contacts:**

i. **Jeff DuPilka – O: 616-895-4347ext. 112, C: 616-291-0769**

ii. **Luke Miller – O: 616-895-4347 ext. 171, C: 616-262-0082**

b. **Principle Address for Main Office**

i. **6620 Lake Michigan Dr., PO Box 188, Allendale, MI 49401**

2.

The signature of the interested party or the interested party's authorized representative;

Signature line below

3.

Identification of the proposed award at issue;

Notice of Intent to Award HQE Systems Inc. dated October 3, 2022 subject request for proposal- RFP23-001 Mass Notification System

4.

A statement of the legal or factual grounds for the appeal;

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 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.

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.

Page 19, section 5.1 of the original RFP states that there is 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.

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.

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 we requested 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.

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.

5.

Copies of all relevant documents; and

HQE's Mass Notification Survey in Addendum No. 2

6.

A fee in the amount listed in the most current Kenai Peninsula Borough Schedule of Rates, Charges and Fees shall be paid to the borough and must be received by the deadline for filing the written appeal. This fee shall be refundable if the appellant prevails in the appeal to the mayor or assembly.

A fee of \$300.00 is enclosed with this correspondence.

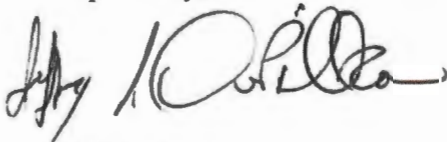
In conclusion, please consider this letter to be a formal protest against any award of this contract RFP23-001 Mass Notification System. We reserve the right to supplement this protest with additional facts when we receive the actual RFPs from other vendors through the Freedom of Information Act.

We also request notice to have all meeting notes, evaluation sheets, emails, and correspondences between Borough staff regarding the award of this contract. We ask those to be faxed or emailed to our 616-895-7158 or jdupilka@westshoreservices.com, concerning this project as soon as possible and are available for our review.

If in the event this letter is insufficient to accomplish the above-mentioned task and purposes of the appeal process, please notify us in writing within five business days of receiving this correspondence, and we will immediately comply with any additional requests.

We respectfully request that the Borough set aside the proposed award for this project to HQE, revise the specifications to eliminate misleading information provided in the bid, which in our opinion, specifically relates to siren output and SPL and also review the inaccurate information that was provided on the Boroughs existing system performance, which was not only inaccurate and would be misleading to vendors when considering solutions that would be in the best interest of the Borough.

Respectfully,



Jeffrey DuPilka
President

JD/Tk

From: [Jeff Dupilka](#)
To: ["Purchasing Dept"; tklouw@westshoreservices.com; lmiller@westshoreservices.com](#)
Cc: ["Jeff DuPika"](#)
Subject: RE: <EXTERNAL-SENDER>Site Visit Request for FRP23-001 Mass Notification System
Date: Tuesday, August 16, 2022 8:39:50 PM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)

Hi Patti,

It was my understanding from the discussion during the pre-proposal conference that anyone who wanted to make a site visit was welcomed and would be accommodated. That included, I believe, something along the lines of feel free to come down, and someone will be available to meet with you.

This complex project requires extra effort to gain information to allow the best possible proposal for the long-term warning system for the Borough.

As far as fairness goes, it seems like anyone else who is interested would also have the same opportunity to review the Borough's current system. Just for clarification, I fully understand that the review of the remote siren sites would be on my own.

I would ask that you reconsider my request to meet to review the control points, etc, as I asked in my original requests. I would also like to know if the consultant you hired to provide recommendations will be allowed to submit a proposal as I asked in my second round of questions.

I look forward to hearing back from you.

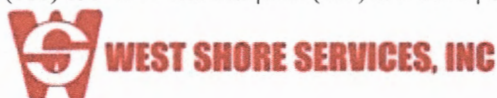
Enjoy your evening.

Best Regards,



Jeff DuPilka | President

West Shore Services, Inc. | 6620 Lake Michigan Drive, P.O. Box 188 | Allendale, MI 49401
(616) 895-4347 ext. 112 | Fax (616) 895-7158 | Cell (616) 291-0769



From: Purchasing Dept [mailto:Purchasing@kpb.us]

Sent: Tuesday, August 16, 2022 7:23 PM

To: 'jdupilka@westshoreservices.com' <jdupilka@westshoreservices.com>;

'tklouw@westshoreservices.com' <tklouw@westshoreservices.com>;

'lmiller@westshoreservices.com' <lmiller@westshoreservices.com>

Subject: RE: <EXTERNAL-SENDER>Site Visit Request for FRP23-001 Mass Notification System
Importance: High

Good afternoon Jeff and thank you for your question regarding a site visit.

During the bid process we are unable to meet with you or answer questions outside of the BidExpress or Purchasing@kpb.us email process. This practice preserves fairness and integrity of the bid process. The Q&A Period for the subject project has been extended to 8/22/2022 4:00PM and we welcome your questions.

In terms of the proposed site visit, the sites are all publically accessible except for Lowell Point Siren which is located inside a fenced enclosure. You are welcome to visit them. As I explained earlier we cannot accompany you in person or provide an in person overview of the working system operation.

Thank you for your interest in Borough Projects.

Patti Hartley
Purchasing Assistant
Ph: (907) 714-2262

KENAI PENINSULA BOROUGH
47140 East Poppy Lane
Soldotna, Alaska 99669



From: Jeff Dupilka <jdupilka@westshoreservices.com>
Sent: Tuesday, August 16, 2022 10:02 AM
To: Purchasing Dept <Purchasing@kpb.us>
Cc: 'Jeff DuPika' <jdupilka@westshoreservices.com>; 'Thereasa Klouw' <tklouw@westshoreservices.com>; 'Luke Miller' <lmiller@westshoreservices.com>
Subject: <EXTERNAL-SENDER>Site Visit Request for FRP23-001 Mass Notification System

CAUTION:This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

Good Morning,

I would appreciate it if you could confirm a site visit request for me to meet with the Kenai Peninsula Borough staff to review the existing tsunami warning system.

During my onsite visit, I would like to review the control points and current system activation methods.

I want to visit some existing remote warning sites and discuss current system performance and maintenance.

My current schedule has me flying into Kenai at 11 am Thursday, August 25th. I plan on renting a car to drive to your facility to begin the review.

I would appreciate it if you could confirm this meeting.

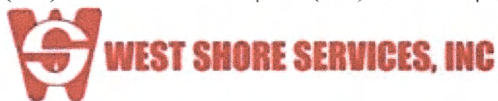
I look forward to hearing back from you.

Regards,



Jeff DuPilka | President

West Shore Services, Inc. | 6620 Lake Michigan Drive, P.O. Box 188 | Allendale, MI 49401
(616) 895-4347 ext. 112 | Fax (616) 895-7158 | Cell (616) 291-0769





Mass Notification Survey

Prepared May 2022

For The Kenai Peninsula Borough

www.HQESystems.com

Global Headquarters | 27419 Via Industria | Temecula, CA 92105 | 800.967.3036

Disclaimers

All product names, logos, and brands are the property of their respective owners. All company, product, and service names used in this proposal are for identification purposes only. Use of these names, logos, and brands does not imply endorsement.

Neither HQE Systems, Inc. nor its contributors shall be held liable for any improper or incorrect use of the information described and/or contained in this report herein and assumes no responsibility for anyone's use of the information. In no event shall HQE Systems, Inc. or its contributors be liable for any direct, indirect, incidental, special, exemplary, or consequential damages (including, but not limited to, procurement of substitute goods or services; loss of use, data, or profits; or business interruption) however caused and on any theory of liability, whether in contract, strict liability, tort (including negligence or otherwise), or any other theory arising in any way out of the use of this report, even if advised of the possibility of such damage. This disclaimer of liability applies to any damages or injury, whether based on alleged incorrect data, negligence, or any other cause of action, including but not limited to damages or injuries caused by any failure of performance, error, omission, interruption, deletion, defect, delay in operation or transmission, computer virus, communication line failure, and/or unauthorized access to, alteration of, or use of any record.



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1. Executive Summary

To the distinguished Kenai Peninsula Borough's Leaders,

HQE Systems, Inc. (HQE) is a Service-Disabled Veteran-Owned Small Business (SDVOSB) with its global headquarters in Temecula, CA. Since 2014, HQE has been designing, engineering, installing, and maintaining Mass Notification Systems (Central Control Units, Outdoor Sirens, and Emergency Alerting Systems).

Worldwide, HQE is a brand agnostic systems integrator that has successfully completed major Mass Notification System implementations for all levels of the Government and Federal Agencies.

The intent of the system is to provide mass alerting and warning in the event of natural and manmade disasters. HQE's Mass Notification Systems Implementation Study was conducted to provide the Borough with the information necessary for considering requirement solutions.

The study includes open-source data and information that was used to create this report.

As part of the study, HQE conducted a site survey of the Borough, including previous emergency events, historical weather conditions, and other open-source information would enable our engineers to provide a comprehensive assessment of the current system and its day-to-day operation.

❖ **Site Survey:** Study of the local environment, including the availability of power, potential installation points, structural warnings, and other open-source information. In addition, to analyze the presence and signal strength of the existing system, and other communications channels.

Based on the study, it was determined that an upgrade or replacement of the existing system is required for the Borough. The current system is outdated and does not meet the requirements of the Borough. The solutions providers that can provide the solution for the Borough. It appears that the current system is outdated and does not meet the requirements of the Borough.

❖ **Option A - Upgrade:** Upgrade the existing system with the same manufacturer's equipment.

❖ **Option B - Full Replacement:** Replace the existing system with a new system including the base unit, sirens, and other components from a different manufacturer's system.

Based on the study, it was determined that an upgrade or replacement of the existing system is required for the Borough. The current system is outdated and does not meet the requirements of the Borough. The solutions providers that can provide the solution for the Borough. It appears that the current system is outdated and does not meet the requirements of the Borough.

All options above are subject to the availability of the equipment, as there are many manufacturers and systems integrators that provide the equipment above. It should be noted that the price and capabilities of systems available in the open market vary.

2. Report Development Methodology

2.1 Kick-Off Meeting (Clear Project Guidelines)

HQE conducted a project kickoff meeting in April 2022 with the Borough that established mutual acquaintance, clarified roles, and confirmed the desired outcomes and deliverables. Utilizing its experience and expertise in MNS, HQE was able to better understand the constraints of the project and

and Lives and Protecting

2.2 Conduct A Site Survey (Gathering Information)

HQE conducted a detailed site survey and spent time on-site gathering information to fully understand the constraints that could impact the system's operational and technical performances. During the on-site interview, HQE reviewed each element of an MNS and documented expectations and requirements of the system. The Borough provided site information based on the current status of the Borough and potential pitfalls to consider when planning for the new MNS. HQE's analysis began with the initial Borough-provided project considerations to ensure that the system would be aligned with the Borough's needs. HQE then conducted a detailed site survey to gather information on the current status of the Borough and potential pitfalls to consider when planning for the new MNS. HQE's analysis began with the initial Borough-provided project considerations to ensure that the system would be aligned with the Borough's needs.

2.3 Environment Analysis (Data-Driven Planning)

HQE conducted the site survey to ensure the outdoor emergency alert signal is distributed optimally throughout the Borough. HQE measured the dB rates of each siren to measure the output of the system. In addition, the site survey engineer assessed each siren's location to determine if there were any environmental issues that may have been degrading the overall sound performance throughout the intended coverage area.

HQE conducted a detailed site survey to gather information on the current status of the Borough and potential pitfalls to consider when planning for the new MNS.

- ❖ Temperature (extreme freezing)
- ❖ Coastal Humidity & Rainfall
- ❖ Vegetation (types and disbursement)
- ❖ Wind speed and direction
- ❖ Man-Made structures (buildings, towers, etc)
- ❖ Topography (elevation changes)

The existing sirens and any future siren sites must take into consideration the environmental factors of the Borough. Specifically, the sirens must be able to overcome the challenges of extreme temperatures.

HQE conducted a detailed site survey to gather information on the current status of the Borough and potential pitfalls to consider when planning for the new MNS.

3. Assessment

The Kenai Peninsula Borough ("the Borough") sought an upgrade plan report for a modern Mass Notification System (MNS). The requirement specifically desired an effective outdoor solution that could operate in any threat event environment. The Borough contracted HQE Systems, Inc. ("HQE"). Since the contract award, HQE has performed industry research, site surveys, internal working group analysis of the Borough.

Line	Description	Borough Data
1	Access To Borough	AK-1 (Seward Highway), Local Harbors, Kenai Municipal Airport
2	Population (2020)	59,767
3	Housing Units	31,439
4	Land Area	16,075.33 SqMi
5	Water Area	8,676.98 Square Miles
6	AVG. Snow	~ 82 Inches
7	AVG. Annual RainFall	~ 32 Inches
8	AVG. High Wind Speed	~ 10 - 18 MPH (Jan - Apr, and Sep-Dec)

* Source: Kenai Peninsula Emergency Management (Emergency Operations Plan)

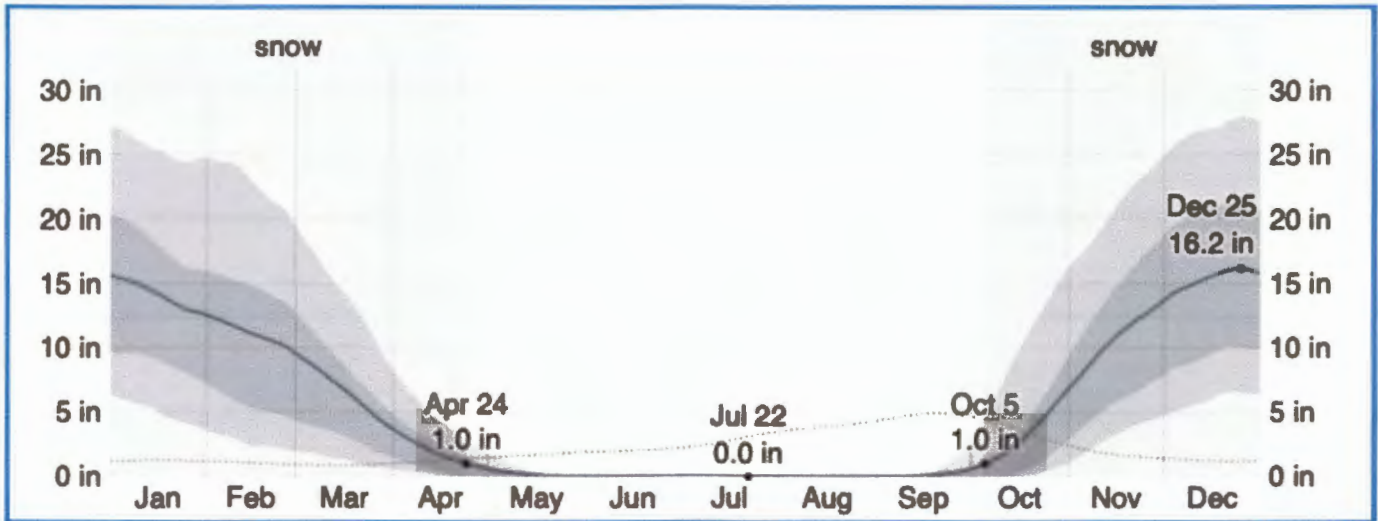
3.1 Key Emergency Issues Assessed

The following emergency situations were identified in our research to be of threat to the Borough.

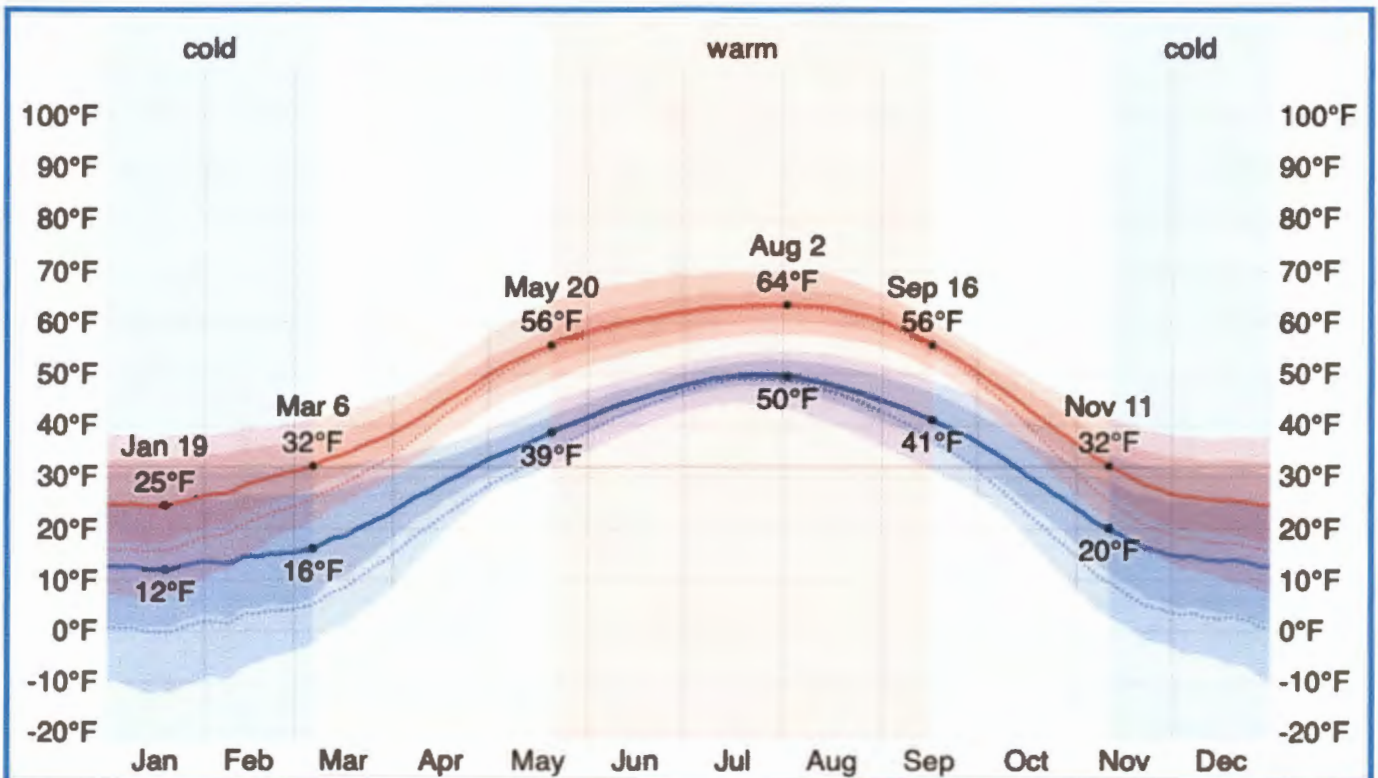
Natural	Technological	Human/Social
<ul style="list-style-type: none"> • Tsunami • Earthquake • Wildfire • Extreme Weather • Flooding • Avalanche • Ground Failure/Landslide • Volcanic Ashfall • Severe Erosion • Infectious Disease • Food/Water contamination • Pandemic 	<ul style="list-style-type: none"> • Dam Failure • Energy Emergency • Urban Fire • Hazardous Materials Release • Power Failure • Radiation Release • Transportation Accident • Pollution • Communications Failure 	<ul style="list-style-type: none"> • Civil Disturbance • Terrorism • WMD: Chemical, Biological, Radiological, Nuclear, or Explosive Agents

* Source: Kenai Peninsula Emergency Management (Emergency Operations Plan)

- ❖ Average Weather For The Borough
 - Average snowfall



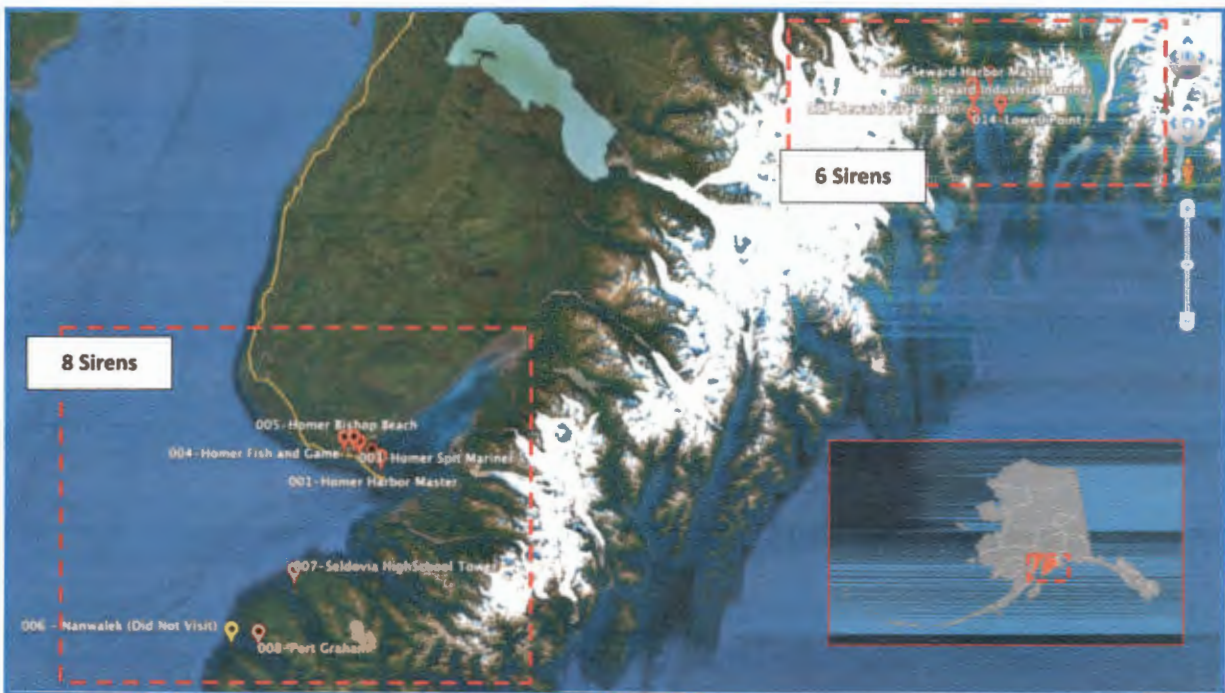
- Average temperature



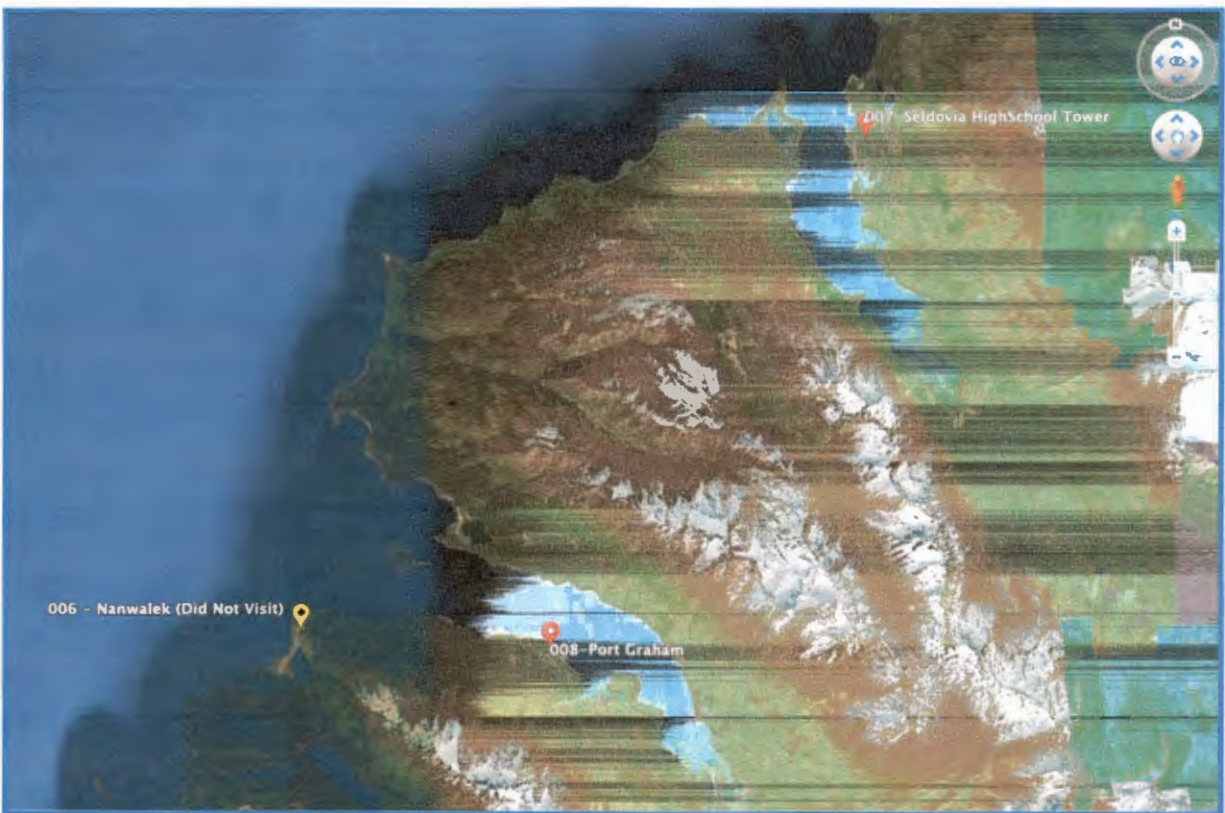
3.2 Key Information, Issues, and Proposed Solutions For Consideration

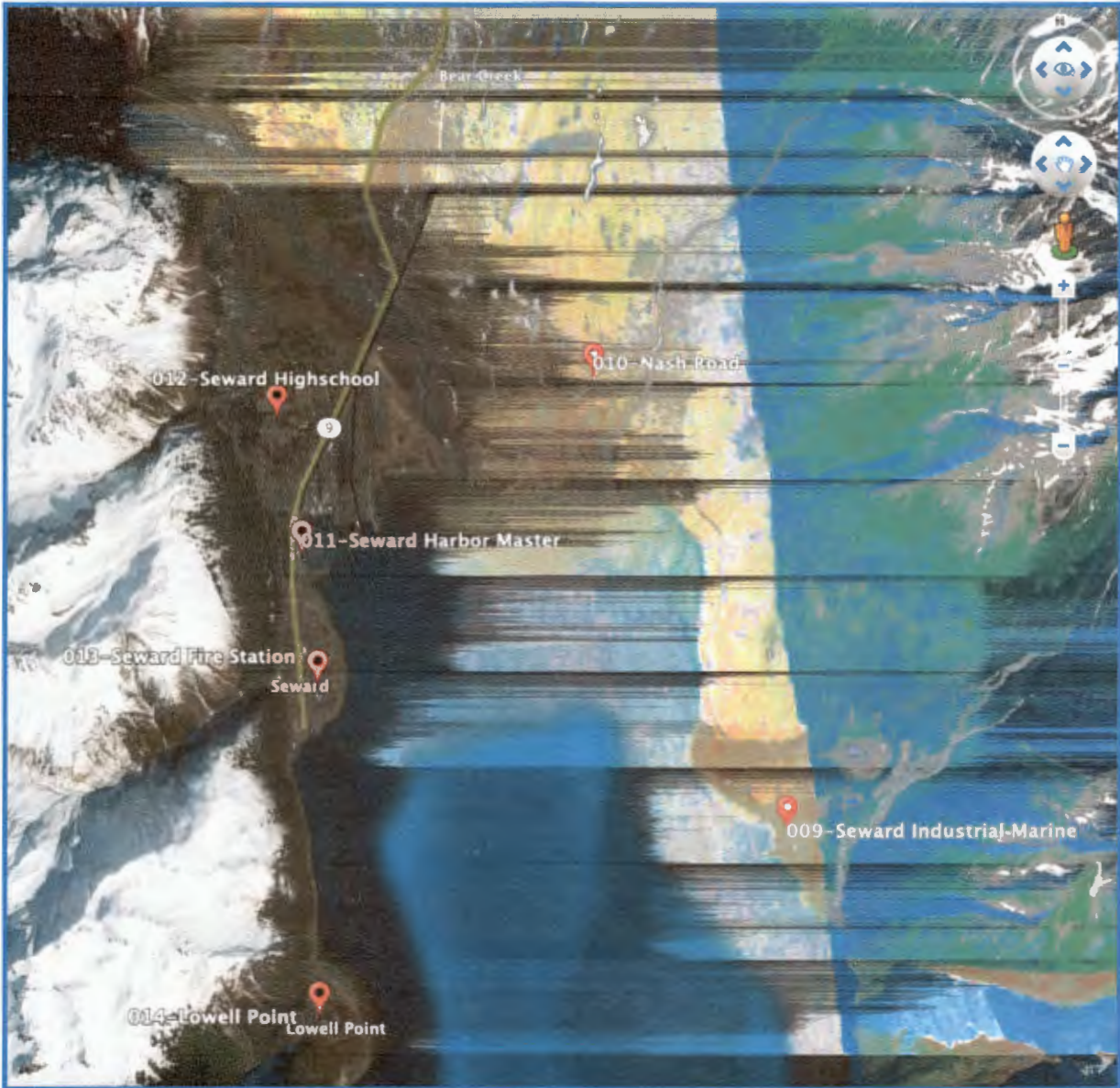
3.2.1 Overview Of The Existing System

- The Borough currently utilizes the Federal Signal outdoor warning system (base station, software, and outdoor warning sirens).
- The Primary Base station for the Borough's Mass Notification (Tsunami Warning) system is located at the Emergency Response Center (ERC) in Soldotna, Alaska.
- The Borough uses a Windows 10 PC to operate the Federal Signal Commander software at the base station/headend.
- The Mass Notification (Tsunami Warning) system includes
 - QTY 6, Outdoor Warning Siren sites in the Seward area
 - QTY 8, Outdoor Warning Siren sites in the Homer area



Note: Locations of the current sites were identified during the site survey. Siren site 001 was not visited due to inclement weather).





3.2.2 Information Gathered During The Site Survey

The following table depicts the information gathered during the site survey.

#	Location	Existing Siren	Pole Material	DBL Level	Comm.	Comm. Signal Strength	Power	Ground	Weather Issues	Crane Accessible	Site Notes
1	Homer Harbor Master	Federal Signal (7 Sirens)	Wood	Min: 45.6 Max: 68.4	1: ISP DSL 2: SATCOM	Limited to Disconnected	AC Main to Battery	Dirt	Snow Ice	Yes	
2	Homer Spit Ice Rink	Federal Signal (7 Sirens)	Wood	Min=68.5 Max=73	1: ISP DSL 2: SATCOM	Limited to Disconnected	AC Main to Battery	Dirt	Snow Ice	Yes	
3	Homer Spit Mariner	Federal Signal (6 Sirens)	Wood	Min=55.2 Max=78	1: ISP DSL 2: SATCOM	Limited to Disconnected	AC Main to Battery	Dirt	Snow Ice	Yes	
4	Homer Fish and Game	Federal Signal (7 Sirens)	Wood	Min=64.8 Max=82	1: ISP DSL 2: SATCOM	Limited to Disconnected	AC Main to Battery	Dirt	Snow Ice	Yes	
5	Homer Bishop Beach	Federal Signal (7 Sirens)	Wood	Min=48.3 Max=106.8	1: ISP DSL 2: SATCOM	Limited to Disconnected	AC Main to Battery	Dirt	Snow Ice	Yes	
6	Nanwalek	Federal Signal (7 Sirens)	Wood	Did Not Visit Due To Weather	1: ISP DSL 2: SATCOM	Limited to Disconnected	AC Main to Battery	Dirt	Snow Ice	Yes	Access via Boat or Plane
7	Seldovia School	Federal Signal (6 Sirens)	Wood	Min=43.6 Max=81.6	1: ISP DSL 2: SATCOM	Limited to Disconnected	AC Main to Battery	Concrete	Snow Ice	Yes	Access via Boat or Plane
8	Port Graham	Federal Signal (7 Sirens)	Wood	Min=40.6 Max=86.4	1: ISP DSL 2: SATCOM	Limited to Disconnected	AC Main to Battery	Dirt	Snow Ice	Yes	Access via Boat or Plane
9	Seward Marine Industrial Center	Federal Signal (7 Sirens)	Wood	Min=50.7 Max=69.8	1: ISP DSL 2: SATCOM	Limited to Disconnected	AC Main to Battery	Cement	Snow Ice	Yes	
10	Nash Road	Federal Signal (7 Sirens)	Wood	Min=44.5 Max=70.1	1: ISP DSL 2: SATCOM	Limited to Disconnected	AC Main to Battery	Dirt	Snow Ice	Yes	
11	Seward Harbor Master	Federal Signal (7 Sirens)	Wood	Min=48.6 Max=70.2	1: ISP DSL 2: SATCOM	Limited to Disconnected	AC Main to Battery	Concrete	Snow Ice	Yes	
12	Seward High School	Federal Signal (7 Sirens)	Wood	Min=48.4 Max=80.2	1: ISP DSL 2: SATCOM	Limited to Disconnected	AC Main to Battery	Dirt	Snow Ice	Yes	
13	Seward Fire Station	Federal Signal (7 Sirens)	Wood	Min=50.4 Max=78	1: ISP DSL 2: SATCOM	Limited to Disconnected	AC Main to Battery	Dirt Cement	Ice	Yes	
14	Lowell Point	Federal Signal (7 Sirens)	Wood	Min=43.8 Max=85	1: ISP DSL 2: SATCOM	Limited to Disconnected	AC Main to Battery	Dirt	Ice	Yes	

* Source: Kenai Peninsula Emergency Management Office

3.2.3 Issues To Consider

1. The sirens at the end of the Homer spit do not have adequate coverage with the alerts. This creates a significant safety hazard for any residents at the end of the spit during an emergency. The existing siren may not have the adequate output to overcome environmental issues. It should be noted that there are high winds in the entire region and specifically on the spit being surrounded by the harbor.
2. Currently, the existing system installed lacks the capability to activate a Live Public Address announcement. This is due to the current base station not being provided by the previous supplier with a microphone, live public address configuration, and equipment to perform this capability.
3. Similar to the above, the existing siren sites lack the capability to perform a Local Live Public Address announcement. This is due to the existing siren control cabinets lacking the local operating capabilities.
4. The communications infrastructure has been unreliable to support the life safety mission of the outdoor warning sirens. The Borough utilizes the Federal Signal S2000 central control unit software to activate and transmit alerts via the following three communications methods:
 - **NOAA:** The Borough utilizes the NOAA Radios which receive the emergency warning feed for any weather issues that will automatically activate the transmission of a prerecorded weather warning alert to the outdoor warning sirens.
 - **ISP:** The Borough utilizes the 2wire DSL connecting them to the Internet via Comcast, Alaska, and Alaska Telecom. All sites have DSL modems and switches that connect them back to the central control station software.
 - The following sites receive their DSL connections via a microwave shot from Homer: Nanwalek, Port Graham, and Seldovia. The microwave shot is limited and is highly unreliable. It is noted that these locations have lost communications signals for weeks at a time.
 - **Satellite:** The Borough currently has satellite receivers. These satellite receivers are currently degraded and/or non-functional. They were installed by the existing systems vendor. This degradation was caused by temperature and requiring "warm start" procedures that are time-consuming when abundant time is not available during an emergency. Lastly, it was noted that these satellite receivers had low connectivity signals with the satellites.

3.2.4 Capabilities To Consider

The following capabilities are highlighted to provide the Borough with additional information on the capabilities of the mass notification systems market.

1. **Mobile alert management devices.** Taking into account the multiple locations that the Borough has to manage during an emergency, having mobile alert management devices may increase the emergency response team's effectiveness. There are multiple solution options in the market that provide "ruggedized" mobile devices in multiple sizes (laptop and handheld size equivalent) that will allow any authorized user to have the ability to manage alerts on the move and remotely from any location. These devices can communicate via multiple communications signal methods (VHF/UHF, IP, Cellular, etc.) to any of the local sirens or the entire siren system. Having these mobile devices at each siren clump site (Homer, Seward, Nanwalek, Port Graham, and Seldovia) will greatly increase the readiness of the system.
2. **Indoor notifications.** During the site survey it was noted that although there is an existing outdoor warning system, the Borough lacks the indoor alerting capabilities. Many of the manufacturers provide integrated indoor alerting capabilities. This is achieved by installing integration modules between the indoor endpoints with the Borough's base stations. Being able to provide audio and visual alerts indoors as well as outdoors significantly increases the effectiveness of the early warning systems.
3. **Local alerting via an integrated network for the sirens.** In addition to alerting the base station to each siren system, the Borough could also integrate the clumps of sirens in each site for the local activation. In the event that the signal from the base station doesn't clearly connect to the siren system, a nearby siren in the clump could trigger the activation of the other siren not triggered by the base station. This local activation is similar to a "mesh" network to provide additional reliability to the system.
4. **The Borough should consider utilizing the standard telecommunications infrastructure to communicate with and activate the siren points from the base stations.** It was noted that the current activation procedures utilize the existing school IP infrastructure. Potentially having a standalone communications infrastructure will allow the Borough to increase the readiness of its outdoor siren system. It is advised that the Borough utilize the independent communications system for all three (3) options provided. The ideal network infrastructure should consider VHF/UHF, SATCOM, Cellular, or a combination of all three to incorporate redundancy and improve operational readiness. For VHF/UHF, Motorola products should be considered for their high quality and reliability. The solution provided should be capable of integrating with the ALMR, P25, TDMA, and be Phase 2 compliant.
5. **Introduce a stronger SATCOM capability into the Borough.** In addition to having a strong SATCOM network for the sirens to operate on, the Borough's other organizations (education, health services, transportation, public utilities, etc.) could also utilize the new SATCOM service to improve their own mission success. Ultimately this would help the community in many different ways that would impact the overall health and wellness of the community.

4. Conclusion of Report

HQE is pleased to conclude this report for the Borough. The report proposes three (3) unique outdoor warning systems installation options for the Borough to consider. These options were proposed based on the Borough's mission, environment, and current industry capabilities. Although the Borough faces several challenges that were identified by HQE, the outdoor warning sirens industry is fully capable of mitigating all of the issues and providing an ideal solution. With the recent rapid growth of the Mass Notification Systems industry, the Borough will be able to source a solution from multiple entities that are technically capable of providing the solution. The majority of the manufacturers and systems integrators have solutions that will meet or exceed the Borough's requirement if it chooses to move forward with any of the options provided.

End of Survey



www.HQESystems.com

27419 Via Industria, Temecula, CA 92105
800.967.3036



Office of the Borough Mayor

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

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.

inspections and tests.

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 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.

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.

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.

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.

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 we requested 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.

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.

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.

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.

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.

Sincerely,



Mike Navarre
Borough Mayor

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

5.28.320 APPEAL

5.28.320. - Appeal.

A. *Appeal to mayor.* Any party bidding or submitting a proposal for a contract with the borough adversely affected by the provisions of this chapter, or regulations promulgated hereunder, or by any acts of the borough in connection with the award of a borough contract, may appeal to the mayor in a writing personally received at the office of the borough purchasing officer within 3 business days of the date of notice of intent to award a contract. The appeal may be hand delivered, delivered by mail, or by facsimile and must comply with the requirements of this section.

B. *Contents of appeal.* A written appeal shall, at a minimum, contain the following:

1. The name, address, and telephone number of the interested party filing the appeal;
2. The signature of the interested party or the interested party's authorized representative;
3. Identification of the proposed award at issue;
4. A statement of the legal or factual grounds for the appeal;
5. Copies of all relevant documents; and
6. A fee of \$300.00 shall be paid to the borough and must be received by the deadline for filing the written appeal. This fee shall be refundable if the appellant prevails in the appeal to the mayor or assembly.

C. *Rejection of appeal.* The purchasing officer shall reject an untimely or incomplete appeal or an appeal filed without timely payment of the required fee. Such rejection shall be final and may be appealed to the superior court pursuant to Part VI of the Rules of Appellate Procedure.

D. *Stay of award.* If a timely and complete appeal is filed with the fee, the award of the contract shall be stayed until all administrative remedies have been exhausted, unless the mayor determines in writing that award of the contract pending resolution of the appeal is in the best interests of the borough.

E. *Notice and response.* Notice of the stay and appeal shall be delivered to any party who may be adversely affected by the mayor's decision by facsimile, first class mail or in person within 3 business days of receipt of a properly filed appeal.

F. *Mayor's decision.* The mayor shall issue a written decision to the appellant within 10 business days of the date the appeal is filed. If multiple appeals have been filed, they may be consolidated for purposes of the decision. Copies of the appeal and decision shall be provided to any interested party requesting one. The decision may include any lawful action, including without limitation an amendment of all or any part of the recommended award. For good cause shown the mayor may extend the date for the decision for such additional period as may be necessary.

G. *Appeal to assembly.* The mayor's decision may be appealed to the assembly by filing a notice of appeal to the assembly and requesting the mayor to forward the written appeal and the mayor's response to the assembly. The assembly shall conduct a de novo review of the issue appealed. The request to appeal to the assembly must be submitted in writing or by facsimile copy of a writing to the borough clerk within 3 business days of the mayor's decision. Any appeal not timely filed shall be rejected by the clerk and the appeal forever barred. Appeals to the assembly will be heard at the date and time established by the assembly president, not less than 12 nor more than 35 days after receipt of the appeal. For good cause the assembly president may shorten or extend the hearing date.

H. *Notice and record on appeal.*

1. The clerk shall provide all interested parties as defined in paragraph A. above including the appellant, the borough administration, and any other parties who submitted or bid or proposal who may be adversely affected by a decision of the assembly, notice of the appeal and scheduled hearing date within 3 business days of receipt of the notice of appeal. Such notice shall also advise the parties of their right to appear and be heard at the appeal, and shall also set forth a schedule for written statements and submission of evidence.

2. The purchasing officer shall submit to the clerk the record of the bid or proposal process including the invitation to bid or request for proposal, any amendments thereto, all correspondence to or from all parties, the appeal filed to the mayor and supporting documentation, and the decision issued by the mayor. The clerk shall prepare the record on appeal, to include written statements and all evidence submitted, and provide copies to interested parties upon payment of appropriate copying fees. Prior to the scheduled hearing the clerk shall distribute copies of the record to all assembly members, the purchasing officer and the mayor.

I. *Quasi-judicial process.* The borough assembly shall act in its quasi-judicial capacity when considering an appeal under this section and shall accordingly remain impartial and refrain from ex parte contact with any interested party regarding a specific invitation to bid or request for proposals from the time it has been issued. Any assembly member found to have violated this provision shall be recused from participation in the appeal.

J. *Written arguments and evidence.* Written arguments and submittals of evidence shall be filed in the following manner:

1. *Written arguments due.* Written arguments shall be filed by the parties on a date set by the clerk no later than 5 business days prior to the hearing. All exhibits, evidence, and affidavits supporting a party's position shall be filed on the date written arguments are due.

2. *Party participation.* Any eligible party wishing to participate in the appeal must submit its mailing address, telephone and facsimile numbers, if any, to the clerk, in writing, within 5 business days of the clerk issuing notice of the appeal. The clerk shall provide the parties, the mayor and assembly with written submittals before the hearing date.

K. *Hearing.* The following procedures shall be followed by the assembly for conduct of the hearing:

1. *No new evidence.* Evidence not submitted to the clerk 5 business days prior to the hearing, may not be considered by the assembly unless good cause is shown. Good cause may include, but is not limited to, evidence that was not available to the party presenting the evidence at the time it was due to the clerk. Any objection to new evidence by any party shall be made at the time of the hearing before the assembly.

2. The following order and time limitations shall be followed for the hearing, unless for good cause shown the assembly permits a change:

- a. Appellant's Opening Presentation;
- b. Administration's Opening Presentation;
- c. Opening Presentation by any other Party;
- d. Rebuttal by the Appellant;
- e. Rebuttal and closing by the Administration;

- f. Rebuttal by any other interested party; and
- g. Sur-Rebuttal and closing by the Appellant.

3. If the appellant or representative is not present when called, the assembly shall consider any written presentation, evidence, and documents presented to it pursuant to and thereafter proceed according to the remaining applicable provisions of this chapter.

4. All persons presenting evidence shall do so under oath, administered by the borough clerk.

5. The hearing shall be conducted informally with respect to the introduction of evidence. Irrelevant evidence may be excluded by the presiding officer. Each interested party shall have a total of no more than 30 minutes to present their case. Each party shall be responsible for dividing their 30 minutes between oral presentation, argument, testimony (including witness testimony), and rebuttal. The board may expand or limit the length of the hearing depending on its complexity, or take other action to expedite the proceedings. Cross-examination will not be permitted during presentation of the case. If a witness testifies during presentation of either the appellant's or any other parties' case, unless excused by the board with the concurrence of the appellant and all other parties, the witness must remain available in the assembly room to be called to testify during rebuttal by the appellant and the administration or other interested party. Assembly questions and parties' responses shall not be included in the time limitation.

L. *Decision.*

1. The assembly may either uphold the mayor's decision, remand the matter back to the mayor or order a rejection of all bids or proposals. The assembly shall make written findings of fact which are supported by the substantial evidence in the record, written conclusions and an order. The assembly member chairing the hearing shall execute the order. If the matter is remanded to the mayor, any further appeals of the mayor's decision shall be to the superior court pursuant to Part VI of the Alaska Rules of Appellate Procedure.

2. "Substantial evidence" means relevant evidence a reasonable mind might accept to support a conclusion.

3. The clerk shall serve the written decision on the parties in person or by mail within 10 business days after the oral decision. If facsimile service is requested by a party, service by U.S. mail shall follow.

M. *Appeal to superior court.* Appeals may be taken from the written decision of the assembly within 30 days of the date of the decision pursuant to Part VI of the Alaska Rules of Appellate Procedure.

(Ord. No. 2010-32, §§ 1—3, 10-12-10; Ord. No. 2003-10, § 1, 4-15-03; Ord. No. 96-07, § 1, 1996; Ord. No. 87-29, § 1(part), 1987)



Purchasing & Contracting Department

47140 E. Poppy Lane, Soldotna, Alaska 99669 • (907) 714-2260 • (907) 714-2373 Fax

Charlie Pierce
Borough Mayor

October 10, 2022

Certified 7015 3010 0002 3318 9137

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

RE: RFP23-001 Mass Notification System

Dear Mr. Dupilka:

This letter is to inform you that the Kenai Peninsula Borough has received an appeal regarding award of a contract for the aforementioned RFP23-001 Mass Notification System. Therefore, consistent with Chapter 5.28.320 of the Kenai Peninsula Borough Code of Ordinances (copy attached), you are hereby notified that the award of this contract is stayed until the Borough Mayor has rendered a decision on this appeal. A copy of the appeal is also enclosed.

As provided for in Chapter 5.28.320, as a party who may potentially be adversely affected, you have rights under the appeals process. Please contact the Purchasing and Contracting Office at (907) 714-2260 if you have any questions.

Best Regards,


John Hedges
Purchasing & Contracting Director

Enclosures: Copy of 5.28.320 of Kenai Peninsula Borough Code of Ordinances
Copy of Integrated Notifications Systems, LLC – A West Shore Services Company Appeal

cc: Office of Emergency Management



Purchasing & Contracting Department

47140 E. Poppy Lane, Soldotna, Alaska 99669 • (907) 714-2260 • (907) 714-2373 Fax

Charlie Pierce
Borough Mayor

October 10, 2022

Certified 7015 3010 0002 3318 9120

Acoustic Technology Inc.
Attention: Tarek Bassiouni
30 Jeffries St.
Boston, MA 02128

RE: RFP23-001 Mass Notification System

Dear Mr. Bassiouni:

This letter is to inform you that the Kenai Peninsula Borough has received an appeal regarding award of a contract for the aforementioned RFP23-001 Mass Notification System. Therefore, consistent with Chapter 5.28.320 of the Kenai Peninsula Borough Code of Ordinances (copy attached), you are hereby notified that the award of this contract is stayed until the Borough Mayor has rendered a decision on this appeal. A copy of the appeal is also enclosed.

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Best Regards,



John Hedges
Purchasing & Contracting Director

Enclosures: Copy of 5.28.320 of Kenai Peninsula Borough Code of Ordinances
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cc: Office of Emergency Management



Purchasing & Contracting Department

47140 E. Poppy Lane, Soldotna, Alaska 99669 • (907) 714-2260 • (907) 714-2373 Fax

Charlie Pierce
Borough Mayor

October 10, 2022

Certified 7015 3010 0002 3318 9144

Arcticom / Bering Straits Native Corp
Attention: Andrea Gilbert
144 E. Potter Drive, Unit C
Anchorage, AK 99518

RE: RFP23-001 Mass Notification System

Dear Ms. Gilbert:

This letter is to inform you that the Kenai Peninsula Borough has received an appeal regarding award of a contract for the aforementioned RFP23-001 Mass Notification System. Therefore, consistent with Chapter 5.28.320 of the Kenai Peninsula Borough Code of Ordinances (copy attached), you are hereby notified that the award of this contract is stayed until the Borough Mayor has rendered a decision on this appeal. A copy of the appeal is also enclosed.

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Best Regards,

John Hedges
Purchasing & Contracting Director

Enclosures: Copy of 5.28.320 of Kenai Peninsula Borough Code of Ordinances
Copy of Integrated Notifications Systems, LLC – A West Shore Services Company Appeal

cc: Office of Emergency Management



Purchasing & Contracting Department

47140 E. Poppy Lane, Soldotna, Alaska 99669 • (907) 714-2260 • (907) 714-2373 Fax

Charlie Pierce
Borough Mayor

October 10, 2022

Certified 7015 3010 0002 3318 9106

Ascension Associates Consulting, LLC
Attention: Eric Amissah
92 Boykin Lakes Loop
Pike Road, AL 36064-3957

RE: RFP23-001 Mass Notification System

Dear Mr. Amissah:

This letter is to inform you that the Kenai Peninsula Borough has received an appeal regarding award of a contract for the aforementioned RFP23-001 Mass Notification System. Therefore, consistent with Chapter 5.28.320 of the Kenai Peninsula Borough Code of Ordinances (copy attached), you are hereby notified that the award of this contract is stayed until the Borough Mayor has rendered a decision on this appeal. A copy of the appeal is also enclosed.

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Best Regards,

John Hedges
Purchasing & Contracting Director

Enclosures: Copy of 5.28.320 of Kenai Peninsula Borough Code of Ordinances
Copy of Integrated Notifications Systems, LLC – A West Shore Services Company Appeal

cc: Office of Emergency Management



Purchasing & Contracting Department

47140 E. Poppy Lane, Soldotna, Alaska 99669 • (907) 714-2260 • (907) 714-2373 Fax

Charlie Pierce
Borough Mayor

October 10, 2022

Certified 7015 3010 0002 3318 9151

HQE Systems Inc.
Qais Alkurdi
27419 Via Industria
Temecula, CA 92590-3752

RE: RFP23-001 Mass Notification System

Dear Mr. Alkurdi:

This letter is to inform you that the Kenai Peninsula Borough has received an appeal regarding award of a contract for the aforementioned RFP23-001 Mass Notification System. Therefore, consistent with Chapter 5.28.320 of the Kenai Peninsula Borough Code of Ordinances (copy attached), you are hereby notified that the award of this contract is stayed until the Borough Mayor has rendered a decision on this appeal. A copy of the appeal is also enclosed.

As provided for in Chapter 5.28.320, as a party who may potentially be adversely affected, you have rights under the appeals process. Please contact the Purchasing and Contracting Office at (907) 714-2260 if you have any questions.

Best Regards,

John Hedges
Purchasing & Contracting Director

Enclosures: Copy of 5.28.320 of Kenai Peninsula Borough Code of Ordinances
Copy of Integrated Notifications Systems, LLC – A West Shore Services Company Appeal

cc: Office of Emergency Management



Purchasing & Contracting Department

47140 E. Poppy Lane, Soldotna, Alaska 99669 • (907) 714-2260 • (907) 714-2373 Fax

Charlie Pierce
Borough Mayor

October 7, 2022

Certified 7015 3010 0002 3318 9113

Northern Support Services, Inc.
Attention: Stephen O'Hara
3911 Turnagain Blvd East
Anchorage, AK 99517

RE: RFP23-001 Mass Notification System

Dear Mr. O'Hara:

This letter is to inform you that the Kenai Peninsula Borough has received an appeal regarding award of a contract for the aforementioned RFP23-001 Mass Notification System. Therefore, consistent with Chapter 5.28.320 of the Kenai Peninsula Borough Code of Ordinances (copy attached), you are hereby notified that the award of this contract is stayed until the Borough Mayor has rendered a decision on this appeal. A copy of the appeal is also enclosed.

As provided for in Chapter 5.28.320, as a party who may potentially be adversely affected, you have rights under the appeals process. Please contact the Purchasing and Contracting Office at (907) 714-2260 if you have any questions.

Best Regards,

John Hedges
Purchasing & Contracting Director

Enclosures: Copy of 5.28.320 of Kenai Peninsula Borough Code of Ordinances
Copy of Integrated Notifications Systems, LLC – A West Shore Services Company Appeal

cc: Office of Emergency Management

Hartley, Patricia

From: Jeff Dupilka <jdupilka@westshoreservices.com>
Sent: Tuesday, August 16, 2022 10:02 AM
To: Purchasing Dept
Cc: 'Jeff DuPika'; 'Thereasa Klouw'; 'Luke Miller'
Subject: <EXTERNAL-SENDER> Site Visit Request for FRP23-001 Mass Notification System

CAUTION: This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

Good Morning,

I would appreciate it if you could confirm a site visit request for me to meet with the Kenai Peninsula Borough staff to review the existing tsunami warning system.

During my onsite visit, I would like to review the control points and current system activation methods.

I want to visit some existing remote warning sites and discuss current system performance and maintenance.

My current schedule has me flying into Kenai at 11 am Thursday, August 25th. I plan on renting a car to drive to your facility to begin the review.

I would appreciate it if you could confirm this meeting.

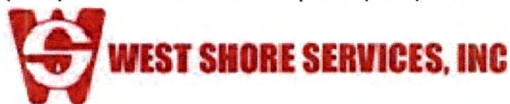
I look forward to hearing back from you.

Regards,



Jeff DuPika | President

West Shore Services, Inc. | 6620 Lake Michigan Drive, P.O. Box 188 | Allendale, MI 49401
(616) 895-4347 ext. 112 | Fax (616) 895-7158 | Cell (616) 291-0769



Hartley, Patricia

From: McBride, Paul
Sent: Tuesday, August 23, 2022 4:33 PM
To: Purchasing Dept; Hedges, John; Vick, Carmen; Ahlberg, Brenda
Subject: RE: <EXTERNAL-SENDER>Site Visit Request for FRP23-001 Mass Notification System

Good Afternoon,

OEM is unable to support this request. It is not feasible or realistic to inspect the sites as mentioned due to pre-existing tasks and limited staffing. This would also conceivably constitute an inappropriate level of access during the bidding process. In order to provide as requested we would need to be on site to unlock the cabinets as we will not consider giving Mr. Dupilka the combinations to our locks. As stated before, he is welcome to inspect sites from the public vantage point.

Very Respectfully,
Paul McBride
Program Manager- Preparedness
Kenai Peninsula Borough Office of Emergency Management
Direct Line: (907) 262-2097 | Cell: (907) 741-9236
OEM Duty Officer 24/7: (907) 714-2415

From: Purchasing Dept <Purchasing@kpb.us>
Sent: Tuesday, August 23, 2022 8:46 AM
To: Hedges, John <JHedges@kpb.us>; Vick, Carmen <CVick@kpb.us>; Ahlberg, Brenda <bahlberg@kpb.us>; McBride, Paul <pmcbride@kpb.us>
Subject: FW: <EXTERNAL-SENDER>Site Visit Request for FRP23-001 Mass Notification System

See the request below.

Patti Hartley
Purchasing Assistant
Ph: (907) 714-2262

KENAI PENINSULA BOROUGH
47140 East Poppy Lane
Soldotna, Alaska 99669



From: Jeff Dupilka <jdupilka@westshoreservices.com>
Sent: Tuesday, August 23, 2022 8:31 AM
To: Purchasing Dept <Purchasing@kpb.us>; tklouw@westshoreservices.com; lmiller@westshoreservices.com
Cc: 'Jeff DuPika' <jdupilka@westshoreservices.com>
Subject: RE: <EXTERNAL-SENDER>Site Visit Request for FRP23-001 Mass Notification System

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From: Jeff Dupilka [<mailto:jdupilka@westshoreservices.com>]

Sent: Tuesday, August 16, 2022 8:40 PM

To: 'Purchasing Dept' <Purchasing@kpb.us>; tklouw@westshoreservices.com; lmiller@westshoreservices.com

Cc: 'Jeff DuPika' <jdupilka@westshoreservices.com>

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I would ask that you reconsider my request to meet to review the control points, etc, as I asked in my original requests. I would also like to know if the consultant you hired to provide recommendations will be allowed to submit a proposal as I asked in my second round of questions.

I look forward to hearing back from you.

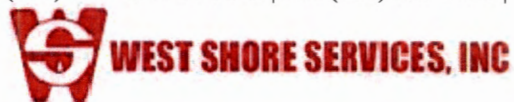
Enjoy your evening.

Best Regards,



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(616) 895-4347 ext. 112 | Fax (616) 895-7158 | Cell (616) 291-0769



From: Purchasing Dept [<mailto:Purchasing@kpb.us>]

Sent: Tuesday, August 16, 2022 7:23 PM

To: 'jdupilka@westshoreservices.com' <jdupilka@westshoreservices.com>; 'tklouw@westshoreservices.com' <tklouw@westshoreservices.com>; 'lmiller@westshoreservices.com' <lmiller@westshoreservices.com>

Subject: RE: <EXTERNAL-SENDER>Site Visit Request for FRP23-001 Mass Notification System

Importance: High

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Patti Hartley

Purchasing Assistant
Ph: (907) 714-2262

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47140 East Poppy Lane
Soldotna, Alaska 99669



From: Jeff Dupilka <jdupilka@westshoreservices.com>

Sent: Tuesday, August 16, 2022 10:02 AM

To: Purchasing Dept <Purchasing@kpb.us>

Cc: 'Jeff DuPika' <jdupilka@westshoreservices.com>; 'Thereasa Klouw' <tklouw@westshoreservices.com>; 'Luke Miller' <lmiller@westshoreservices.com>

Subject: <EXTERNAL-SENDER>Site Visit Request for FRP23-001 Mass Notification System

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I want to visit some existing remote warning sites and discuss current system performance and maintenance.

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(616) 895-4347 ext. 112 | Fax (616) 895-7158 | Cell (616) 291-0769



WEST SHORE SERVICES, INC

Hartley, Patricia

From: Jeff Dupilka <jdupilka@westshoreservices.com>
Sent: Wednesday, August 24, 2022 9:00 AM
To: Purchasing Dept; tklouw@westshoreservices.com; lmiller@westshoreservices.com
Subject: RE: <EXTERNAL-SENDER>Site Visit Request for FRP23-001 Mass Notification System

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Hi Patti,

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I want to make sure you are aware of that, should you receive any calls, as I complete the review of the 14 existing sites in the Borough.

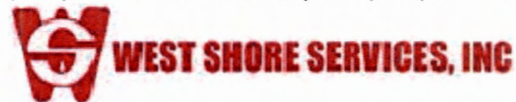
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Thank You,



Jeff DuPilka | President

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From: Purchasing Dept <Purchasing@kpb.us>
Sent: Tuesday, August 23, 2022 8:37 PM
To: 'Jeff Dupilka' <jdupilka@westshoreservices.com>; Purchasing Dept <Purchasing@kpb.us>; tklouw@westshoreservices.com; lmiller@westshoreservices.com
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Purchasing Assistant
Ph: (907) 714-2262

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WEST SHORE SERVICES, INC

From: Purchasing Dept [<mailto:Purchasing@kpb.us>]

Sent: Tuesday, August 16, 2022 7:23 PM

To: 'jdupilka@westshoreservices.com' <jdupilka@westshoreservices.com>; 'tklouw@westshoreservices.com' <tklouw@westshoreservices.com>; 'lmiller@westshoreservices.com' <lmiller@westshoreservices.com>

Subject: RE: <EXTERNAL-SENDER>Site Visit Request for FRP23-001 Mass Notification System

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Ph: (907) 714-2262

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From: Jeff Dupilka <jdupilka@westshoreservices.com>
Sent: Tuesday, August 16, 2022 10:02 AM
To: Purchasing Dept <Purchasing@kpb.us>
Cc: 'Jeff DuPika' <jdupilka@westshoreservices.com>; 'Thereasa Klouw' <tklouw@westshoreservices.com>; 'Luke Miller' <lmiller@westshoreservices.com>
Subject: <EXTERNAL-SENDER>Site Visit Request for FRP23-001 Mass Notification System

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Hartley, Patricia

From: Jeff Dupilka <jdupilka@westshoreservices.com>
Sent: Wednesday, September 14, 2022 2:17 PM
To: Purchasing Dept; tklouw@westshoreservices.com; lmiller@westshoreservices.com
Cc: 'Jeff DuPika'
Subject: RE: <EXTERNAL-SENDER> Site Visit Request for FRP23-001 Mass Notification System

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Hi Patti,

I tried calling you back a short time ago. I would appreciate it if you would review this email and give me a call back on my cell at 616-291-0769.

After further discussion with our staff, we are thinking that the solution to the size of our response could be for us to include a link to one of the following in our proposal:

Google Drive
Hightail
DropBox

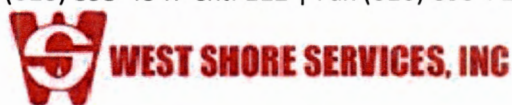
I look forward to your call.

Thanks,



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Sent: Wednesday, August 24, 2022 1:00 PM
To: 'Purchasing Dept' <Purchasing@kpb.us>; tklouw@westshoreservices.com; lmiller@westshoreservices.com
Subject: RE: <EXTERNAL-SENDER> Site Visit Request for FRP23-001 Mass Notification System

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Cc: 'Jeff DuPika' <jdupilka@westshoreservices.com>; 'Thereasa Klouw' <tklouw@westshoreservices.com>; 'Luke Miller'

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Hartley, Patricia

From: Hedges, John
Sent: Wednesday, September 14, 2022 3:46 PM
To: 'jdupilka@westshoreservices.com'; Purchasing Dept
Cc: lmiller@westshoreservices.com
Subject: RE: <EXTERNAL-SENDER>Site Visit Request for FRP23-001 Mass Notification System

The time for questions has passed. I can't respond to that at this time. You must submit your proposal based on the instruction in the RFP. Any limitations applied there in to a proposers could be applied to all.

From: jdupilka@westshoreservices.com <jdupilka@westshoreservices.com>
Sent: Wednesday, September 14, 2022 3:42 PM
To: Hedges, John <JHedges@kpb.us>; Purchasing Dept <Purchasing@kpb.us>
Cc: lmiller@westshoreservices.com
Subject: RE: <EXTERNAL-SENDER>Site Visit Request for FRP23-001 Mass Notification System

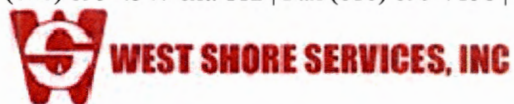
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Thanks John , If our proposal size stays within the 10 MB size can we include one of the links listed below in our material ?

Regards,



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From: Hedges, John <JHedges@kpb.us>
Sent: Wednesday, September 14, 2022 7:13 PM
To: Purchasing Dept <Purchasing@kpb.us>; 'jdupilka@westshoreservices.com' <jdupilka@westshoreservices.com>
Subject: RE: <EXTERNAL-SENDER>Site Visit Request for FRP23-001 Mass Notification System

Mr. Dupilka,

Please understand the restrictions associated with this process was made available to all proposers. The time for questions has long since expired. At this time we are unable to make exceptions or accommodations beyond what is afforded to all proposers. You must submit your proposal based on the terms of the RFP. It is the proposers responsibility to ensure that they meet those requirements.

Thank you,

John Hedges, CHC
Purchasing & Contracting Director
(907) 262-2037

KENAI PENINSULA BOROUGH
47140 East Poppy Lane
Soldotna, Alaska 99669



PUBLIC RECORDS LAW DISCLOSURE: This email and responses to this email may be subject to provisions of Alaska Statutes and may be made available to the public upon request.

From: Purchasing Dept <Purchasing@kpb.us>
Sent: Wednesday, September 14, 2022 2:36 PM
To: Hedges, John <JHedges@kpb.us>
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Cc: 'Jeff DuPika' <jdupilka@westshoreservices.com>
Subject: RE: <EXTERNAL-SENDER>Site Visit Request for FRP23-001 Mass Notification System

CAUTION:This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

Hi Patti,

I tried calling you back a short time ago. I would appreciate it if you would review this email and give me a call back on my cell at 616-291-0769.

After further discussion with our staff, we are thinking that the solution to the size of our response could be for us to include a link to one of the following in our proposal:

Google Drive
Hightail
DropBox

I look forward to your call.

Thanks,

Jeff DuPilka | President

West Shore Services, Inc. | 6620 Lake Michigan Drive, P.O. Box 188 | Allendale, MI 49401
(616) 895-4347 ext. 112 | Fax (616) 895-7158 | Cell (616) 291-0769



From: Jeff Dupilka [<mailto:jdupilka@westshoreservices.com>]

Sent: Wednesday, August 24, 2022 1:00 PM

To: 'Purchasing Dept' <Purchasing@kpb.us>; tklouw@westshoreservices.com; lmiller@westshoreservices.com

Subject: RE: <EXTERNAL-SENDER>Site Visit Request for FRP23-001 Mass Notification System

Hi Patti,

Just want to confirm I received your email regarding the cabinet inspections. I will still be on site to complete a thorough inspection of each of the Borough's existing sites, beginning on Thursday.

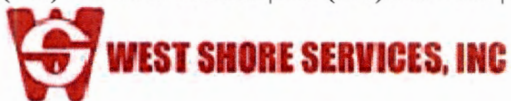
I want to make sure you are aware of that, should you receive any calls, as I complete the review of the 14 existing sites in the Borough.

Have a great afternoon! Hopefully you can will me some sunshine for my trip lol

Thank You,

Jeff DuPilka | President

West Shore Services, Inc. | 6620 Lake Michigan Drive, P.O. Box 188 | Allendale, MI 49401
(616) 895-4347 ext. 112 | Fax (616) 895-7158 | Cell (616) 291-0769



From: Purchasing Dept <Purchasing@kpb.us>

Sent: Tuesday, August 23, 2022 8:37 PM

To: 'Jeff Dupilka' <jdupilka@westshoreservices.com>; Purchasing Dept <Purchasing@kpb.us>; tklouw@westshoreservices.com; lmiller@westshoreservices.com

Subject: RE: <EXTERNAL-SENDER>Site Visit Request for FRP23-001 Mass Notification System

Good Afternoon,

OEM is unable to support this request. It is not feasible or realistic to inspect the sites as mentioned due to pre-existing tasks and limited staffing. This would also conceivably constitute an inappropriate level of access during the bidding process. In order to provide as requested we would need to be on site to unlock the cabinets as we will not consider giving Mr. Dupilka the combinations to our locks. As stated before, he is welcome to inspect sites from the public vantage point.

Patti Hartley

Purchasing Assistant

Ph: (907) 714-2262



From: Jeff Dupilka <jdupilka@westshoreservices.com>

Sent: Tuesday, August 23, 2022 8:31 AM

To: Purchasing Dept <Purchasing@kpb.us>; tklouw@westshoreservices.com; lmiller@westshoreservices.com

Cc: 'Jeff DuPika' <jdupilka@westshoreservices.com>

Subject: RE: <EXTERNAL-SENDER>Site Visit Request for FRP23-001 Mass Notification System

CAUTION: This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

Hi Patti,

As you requested, here is my request to have permission to inspect two or three of the Boroughs existing control cabinets for their warning system.

Specifically, I would like permission to open the doors and look at the condition of the inside of the cabinets. If the cabinets are locked, I would need to be able to obtain a key which I will return once I have completed my inspections.

I plan on flying into Kenai on Thursday, August 25th, to begin the inspection of all the sites.

I would appreciate you considering my requests. Our intent is to have accurate information to allow us to provide a comprehensive proposal with the best options for the Borough.

Regards,

Jeff Dupilka | President

West Shore Services, Inc. | 6620 Lake Michigan Drive, P.O. Box 188 | Allendale, MI 49401

(616) 895-4347 ext. 112 | Fax (616) 895-7158 | Cell (616) 291-0769



From: Jeff Dupilka [<mailto:jdupilka@westshoreservices.com>]

Sent: Tuesday, August 16, 2022 8:40 PM

To: 'Purchasing Dept' <Purchasing@kpb.us>; tklouw@westshoreservices.com; lmiller@westshoreservices.com

Cc: 'Jeff DuPika' <jdupilka@westshoreservices.com>

Subject: RE: <EXTERNAL-SENDER>Site Visit Request for FRP23-001 Mass Notification System

Hi Patti,

It was my understanding from the discussion during the pre-proposal conference that anyone who wanted to make a site visit was welcomed and would be accommodated. That included, I believe, something along the lines of feel free to come down, and someone will be available to meet with you.

This complex project requires extra effort to gain information to allow the best possible proposal for the long-term warning system for the Borough.

As far as fairness goes, it seems like anyone else who is interested would also have the same opportunity to review the Borough's current system. Just for clarification, I fully understand that the review of the remote siren sites would be on my own.

I would ask that you reconsider my request to meet to review the control points, etc, as I asked in my original requests. I would also like to know if the consultant you hired to provide recommendations will be allowed to submit a proposal as I asked in my second round of questions.

I look forward to hearing back from you.

Enjoy your evening.

Best Regards,



Jeff DuPilka | President

West Shore Services, Inc. | 6620 Lake Michigan Drive, P.O. Box 188 | Allendale, MI 49401
(616) 895-4347 ext. 112 | Fax (616) 895-7158 | Cell (616) 291-0769



From: Purchasing Dept [<mailto:Purchasing@kpb.us>]

Sent: Tuesday, August 16, 2022 7:23 PM

To: 'jdupilka@westshoreservices.com' <jdupilka@westshoreservices.com>; 'tklouw@westshoreservices.com' <tklouw@westshoreservices.com>; 'lmiller@westshoreservices.com' <lmiller@westshoreservices.com>

Subject: RE: <EXTERNAL-SENDER>Site Visit Request for FRP23-001 Mass Notification System

Importance: High

Good afternoon Jeff and thank you for your question regarding a site visit.

During the bid process we are unable to meet with you or answer questions outside of the BidExpress or Purchasing@kpb.us email process. This practice preserves fairness and integrity of the bid process. The Q&A Period for the subject project has been extended to 8/22/2022 4:00PM and we welcome your questions.

In terms of the proposed site visit, the sites are all publically accessible except for Lowell Point Siren which is located inside a fenced enclosure. You are welcome to visit them. As I explained earlier we cannot accompany you in person or provide an in person overview of the working system operation.

Thank you for your interest in Borough Projects.

Patti Hartley

Purchasing Assistant

Ph: (907) 714-2262

KENAI PENINSULA BOROUGH
47140 East Poppy Lane
Soldotna, Alaska 99669



From: Jeff Dupilka <jdupilka@westshoreservices.com>

Sent: Tuesday, August 16, 2022 10:02 AM

To: Purchasing Dept <Purchasing@kpb.us>

Cc: 'Jeff DuPika' <jdupilka@westshoreservices.com>; 'Thereasa Klouw' <tklouw@westshoreservices.com>; 'Luke Miller' <lmiller@westshoreservices.com>

Subject: <EXTERNAL-SENDER>Site Visit Request for FRP23-001 Mass Notification System

CAUTION:This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

Good Morning,

I would appreciate it if you could confirm a site visit request for me to meet with the Kenai Peninsula Borough staff to review the existing tsunami warning system.

During my onsite visit, I would like to review the control points and current system activation methods.

I want to visit some existing remote warning sites and discuss current system performance and maintenance.

My current schedule has me flying into Kenai at 11 am Thursday, August 25th. I plan on renting a car to drive to your facility to begin the review.

I would appreciate it if you could confirm this meeting.

I look forward to hearing back from you.

Regards,

Jeff DuPilka | President

West Shore Services, Inc. | 6620 Lake Michigan Drive, P.O. Box 188 | Allendale, MI 49401
(616) 895-4347 ext. 112 | Fax (616) 895-7158 | Cell (616) 291-0769



WEST SHORE SERVICES, INC

Hartley, Patricia

From: Andrea Gilbert <AGilbert@arcticom.com>
Sent: Tuesday, October 04, 2022 9:24 AM
To: Hartley, Patricia
Cc: Bruce Hellenga
Subject: <EXTERNAL-SENDER> RE: Intent to Award - RFP23-001 Mass Notification System
Attachments: Intent to Award 100322.pdf

CAUTION: This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

Hi Patti,

Thank you for the notification. Should KPB Borough run into any challenges with the awardee, please let us know as we would be happy to assist you in this mission critical project.

Have a wonderful day!

Respectfully,
Andrea



Andrea Gilbert
Proposal Manager
Arcticom LLC. | **SBA 8(a) Certified**
A Bering Straits Company
144 E. Potter Drive Unit C | Anchorage, Alaska 99518
Phone 907.276.0023 | Fax 907.276.1913
Mobile 907. 242.8444
agilbert@beringstraits.com | www.arcticom.com

From: Hartley, Patricia <PHartley@kpb.us>
Sent: Monday, October 3, 2022 4:38 PM
To: 'bd@hqesystems.com' <bd@hqesystems.com>; Andrea Gilbert <AGilbert@arcticom.com>; 'Jeff Dupilka' <jdupilka@westshoreservices.com>; 'Tarek Bassiouni' <tarek@atisystem.com>; 'sohara@aknss.com' <sohara@aknss.com>; 'ekamissah@aac-tech.com' <ekamissah@aac-tech.com>
Cc: Ahlberg, Brenda <bahlberg@kpb.us>; Vick, Carmen <CVick@kpb.us>
Subject: Intent to Award - RFP23-001 Mass Notification System

[ATTENTION - EXTERNAL EMAIL] - This email originated from outside the organization. Use caution opening attachments or hyperlinks. If you are unsure of the email, please contact the IT department for further guidance.

Attached is the Intent to Award for RFP23-001 Mass Notification System.
Thank you!

Patti Hartley
Purchasing Assistant
Ph: (907) 714-2262

KENAI PENINSULA BOROUGH
47140 East Poppy Lane
Soldotna, Alaska 99669



Hartley, Patricia

From: Tarek Bassiouni <tarek@atisystem.com>
Sent: Wednesday, October 05, 2022 9:24 AM
To: Hartley, Patricia
Subject: <EXTERNAL-SENDER> Re: Intent to Award - RFP23-001 Mass Notification System

Importance: High

CAUTION: This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

Good day Ms. Hartley,

I hope all is well, thank you very much for the information. Due to such big difference in points between the awarded vendor and the others, we were wondering how the proposals were awarded. Can a debriefing be provided, including a copy of the awarded vendors proposal and a breakdown of each vendors awards? Thank you very much for your time and we will be looking forward to hearing from you soon.

Best regards,
Tarek Bassiouni
Director of Business
Development
30 Jeffries Street
Boston, MA 02128
Cell: 917-373-8873
Dir: 617-418-2318
Fax: 617-569-2964
Tarek@atisystems.com
ATIsystems.com



Acoustic Technology, Inc. (ATI Systems), a leader in mass notification systems and emergency communication, is committed to delivering quality products and services on time, that meet or exceed our customers specifications. Management is committed to continually improve the quality management system. ATI is an ISO 9001 certified company.
(null)

From: Rosina Melian <rosina.melian@hqesystems.com>
Date: Monday, October 3, 2022 at 10:03 PM
To: "Hartley, Patricia" <PHartley@kpb.us>
Cc: "bd@hqesystems.com" <bd@hqesystems.com>, Andrea Gilbert <AGilbert@arcticom.com>, Jeff Dupilka <jdupilka@westshoreservices.com>, Tarek Bassiouni <tarek@atisystem.com>, "sohara@aknss.com" <sohara@aknss.com>, "ekamissah@aac-tech.com" <ekamissah@aac-tech.com>, "Ahlberg, Brenda" <bahlberg@kpb.us>, "Vick, Carmen" <CVick@kpb.us>
Subject: Re: Intent to Award - RFP23-001 Mass Notification System

Dear Ms. Hartley,

Good Evening Ma'am. Thank you for giving HQE Systems, a Service Disabled Veteran Owned Small Business, the opportunity to support the Kenai Peninsula Borough on your Mass Notification System project. We value every contract we are awarded and we look forward to working with your team again to ensure that the residents in the Borough stay safe with top of the line upgrades necessary for a complete working system.

Our team is standing by for the next step in the process. Please let us know anything you may need on our end in the meantime.

Thank you again for trusting HQE and our team to bring you a working solution.



On Mon, Oct 3, 2022 at 5:38 PM Hartley, Patricia <PHartley@kpb.us> wrote:

Attached is the Intent to Award for RFP23-001 Mass Notification System.

Thank you!

Patti Hartley

Purchasing Assistant

Ph: (907) 714-2262

KENAI PENINSULA BOROUGH
47140 East Poppy Lane
Soldotna, Alaska 99669



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Respectfully,

Rosina Melian

O 760-516-7057 | rosina.melian@hqesystems.com

27419 Via Industria, Temecula, CA 92590



www.HQESystems.com

CONFIDENTIALITY NOTICE: The contents of this email message and any attachments are intended solely for the addressee(s) and may contain confidential and/or privileged information and may be legally protected from disclosure. If you are not the intended recipient of this message or their agent, or if this message has been addressed to you in error, please immediately alert the sender by reply email and then delete this message and any attachments. If you are not the intended recipient, you are hereby notified that any use, dissemination, copying, or storage of this message or its attachments is strictly prohibited. HQE Systems has performed a self-assessment in accordance with NIST SP 800-171 DoD Assessment Methodology and has submitted the results to the Supplier Performance Risk System (SPRS).

ADMINISTRATION PRESENTATION

TO: Brent Johnson, Assembly President
Members, Kenai Peninsula Borough Assembly

FROM: John Hedges, Purchasing & Contracting Director
Todd Sherwood, Deputy Borough Attorney

DATE: November 7, 2022

RE: In the Matter of Appeal of MAYOR'S DECISION ON APPEAL DATED
OCTOBER 19, 2022 REGARDING RFP23-001 MASS NOTIFICATION SYSTEM

INTEGRATED NOTIFICATIONS SYSTEMS, LLC., Appellant

Kenai Peninsula Borough Case No. 2022-02-BAA

Administration Written Argument and Presentation

The appellant, Integrated Notifications Systems, LLC., a West Shore Services Company, (hereinafter INS) raised six points in its appeal to the mayor. The appeal points are in the materials, and the background, along with additional information, is outlined below.

On August 2, 2022 the Kenai Peninsula Borough released a Request for Proposals (RFP), RFP23-001, directed at qualified firms for the replacement of the Borough's existing siren warning system with a new comprehensive mass notification system.

Due to the large potential for different variables in modifications to our existing infrastructure, an RFP process was used so that quality could be measured against cost and qualifications of proposers.

During the RFP process and per the instructions to proposers, a pre-proposal meeting was held via zoom with an opportunity to ask questions and discuss the details associated with the RFP. The questions discussed were included in a subsequent Addendum and provided to all potential proposers. Three addenda were released that provided requested information and responded to questions timely submitted by proposers. All proposers acknowledged the receiving of these addenda.

On September 15, 2022, six (6) responsible and responsive proposals were received at the office of the Borough's Purchasing and Contracting Department. Consistent with long standing policies and procedures, evaluations of all six proposals were completed by four qualified Borough employees using criteria outlined in the RFP.

On October 3, 2022 an Intent to Award was provided to all proposers providing the scores of all six proposals and listing them in the order of rank with HQE Systems Inc. ranked as the highest responsible and responsive proposer. Arcticom/Bering Straits Native Corporation came in second, followed by the appellant INS, ranking third in the evaluation process.

An Intent to Award the contract to HQE Systems Inc. was issued to all proposers on October 3, 2022. Within the required 3-day appeal period, INS submitted a written appeal to the Mayor through the Purchasing and Contracting office of the Borough in accordance with Borough code.

After careful review and coordination with the Mayor's office and the other Borough administrative staff the Mayor agreed to uphold the award and deny the appeal from INS. On October 19, 2022 a letter, addressing each reason for INS' appeal and the reasoning behind the mayor's denial was sent to INS in accordance with the requirements of Borough code.

The 6 reasons for the appeal provided by INS and the response from the Administration is outlined as follows;

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.

inspections and tests.

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 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.*

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. INS 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.

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.

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.

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 we requested a meeting, we 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.

INS 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.

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.

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* of the proposers and therefore, *none* of the proposers had access to the information and thus it was not relevant to the outcome of the proposal evaluation.

Additional Information:

It is important to note that in the drafting of the letter to INS an error was made in regards to the submission of the request for a site visit, the request for Borough staff to review the existing Tsunami warning system with INS, and access to the equipment housings at each location. This request came in prior to the last day for questions and was not denied due to its timeliness but rather based on the concerns about a fair process of site review, the timeliness of question responses, and the necessity of the request. INS was the only proposer that asked for this more intensive discussion and site inspection. Also important is the fact that INS did not respond back to the Borough's denial of the requested site visit until August 23rd, *after* the last day for questions, a period of 7 calendar days.

As the Assembly considers this appeal from the Mayor's decision, it is important to note the purpose of the purchasing code as established by the Assembly in code:

5.28.010. - Purpose.

The purpose of this chapter is to:

A. Establish consistent procurement principles for all agencies of the borough;

- B. **Ensure the fair and equitable treatment of all persons who deal with the procurement system of the borough;**
- C. **Maximize fair and open competition and to discourage collusive bidding for borough contracts;**
- D. **Maximize to the fullest extent practicable, the purchasing value of borough funds; and to**
- E. **Clearly define authority for the purchasing function within the borough organization.**

Also, because this proposed contract was to be awarded through the Request for Proposal (RFP) process it is also important to note that, ultimately, the final criteria in awarding is what is "most advantageous to the borough."

5.28.250. - Proposals for professional services or where bidding not practicable.

...

F.

Awards shall be made by written notice to the qualified and responsible proponent whose final proposal is determined to be most advantageous to the borough. No criteria other than those set forth in the request for proposals may be used in proposal evaluation. If the mayor determines that it is in the best interest of the borough to do so, the borough may reject any and all proposals.

(Emphasis added).

In short, as long as the process – including any minor errors or oversights by Purchasing – used in ultimately awarding the bid fulfills the purpose of the purchasing code and is advantageous to the borough, then the award of the bid is legal and should be upheld.

The entire RFP process, including the alleged minor errors, fulfilled these purposes. It was, and remains, a fair and open competition that ensured the fair and equitable treatment of all persons involved. It also ensured the maximization of the purchasing value of borough funds, which, ultimately is advantageous to the borough as required by the code.

Further, based on an Alaska Supreme Court case with similar facts (Chris Berg, Inc. v. State, Dep't of Transp. & Pub. Facilities, 680 P.2d 93, 94 (Alaska 1984)) KPB was, under the factual circumstances, not only permitted, but *legally required* to award the contract to HQE. To do otherwise, as the Court in the Berg case stated, would have been an abuse of discretion on the part of the Purchasing Officer.

In the Berg case, Chris Berg's corporation bid on a State DOT project, but in bid documents he mistakenly wrote price information for a line item, that was meant to be on one line lower than where it was written. In the Berg case, a state contract official, by examining the bid, determined that the price information for that line item had mistakenly been written one line below. Using the total bid price, which was not mistaken, as well as some elementary mathematics, the official was able to discern the nature of the mistake and the intended price for the line item.

The state official then contacted Chris Berg's corporation and asked a representative to read him the intended bid for the mistaken portion. The intended bid corresponded to official's interpretation. Accordingly, the official stated to the corporate representative that no further documents were necessary and that the bid would be accepted.

However, higher State DOT officials later reversed that determination stating the bid was "non-responsive" and "beyond the flexibility" of DOT. Chris Berg filed an administrative appeal which was denied and then appealed to Superior Court which also denied his request.

However, upon appealing to the Alaska Supreme Court it reversed the lower court and ruled in Mr. Berg's favor stating:

"A minor technical defect or *irregularity* which does not and could not affect the substance of a low bid in any way does not justify the rejection of that bid on the ground that it is not responsive, when the agency is required by law to award the contract to the "lowest responsible bidder." We believe that the bid error in the present case falls within this category, since the mistake and the bid actually intended are reasonably ascertainable from the invitation to bid and the bid itself, and the mistake was discovered immediately by the agency. Thus, any rejection of Chris Berg's bid on the basis of the bid error would constitute an abuse of discretion as a matter of law." (Emphasis added).

Chris Berg, Inc. v. State, Dep't of Transp. & Pub. Facilities, 680 P.2d 93, 94–95 (Alaska 1984)

Similarly, the RFP process at issue in the administrative appeal before the Assembly parallels in Supreme Court's Berg decision in that it too, had some minor glitches.

Most importantly, none of these points can be seen as anything beyond minor errors at best. None of them in any way undercut the overall fairness and openness of the process, and the RFP result remains "the most advantageous to the borough" as required by KPB 5.28.250.F.

Accordingly, the Administration asks the Assembly to follow the example of the Alaska Supreme Court and uphold the Mayor's decision and deny the appeal from INS.



Integrated Notifications Systems, LLC.

A West Shore Services Company

Michigan Office - 6620 Lake Michigan Drive Allendale MI 49401

Alaska Office - 3062 North Circle Anchorage AK 99507

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 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 Boroughs 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

FEDERAL SIGNAL INTEGRATED SYSTEMS			Page 1 of 10	
Job Number:		Date:		
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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Sales Order Number:	4314255 4297590	By:	ISD Engineering	
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Project Title:	Kenai siren upgrade	Checked:	Dave Riley	
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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