

MISSISSIPPI WIRELESS COMMUNICATION COMMISSION
Special Called Meeting
May 19, 2016 Meeting Minutes
 Jackson, MS

| Commission Members Present: | |
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| MS Association of Fire Chiefs | Lariviere, Tom (Chairman) |
| MS Department of Public Safety | Magee, Ken (vice-Chairman) |
| MS Office of Homeland Security | Barnes, Rusty |
| MS Association of Supervisors | Gray, Steve |
| MS National Guard | Causey, Col. Ray |
| MS Department of Transportation | Huff, Willie |
| MS Department of Information Technology Services | Johnson, David |
| MS Department of Corrections | McAfee, Audrey |
| MS Highway Safety Patrol | Smith, Timothy |
| MS Department of Wildlife, Fisheries, and Parks | Thornhill, Curtis |
| MS Emergency Management Agency | Wilson, Richard |
| MS Department of Health | Vaughn, Wayne (via phone) |
| MS Department of Environmental Quality | Harrell, Richard |
| | |
| Also in Attendance | |
| Doty, Senator Sally | |
| Conn, Paula, ITS | |

Chairman Tom Lariviere called the Special Called meeting to order at 9:06 AM and thanked Mr. Curtis Thornhill for the use of the MDFWP Facilities and ITS for assistance in reserving the conference room. Mr. Wayne Vaughn joined the special called meeting via telephone. Chairman Lariviere directed everyone's attention to the agenda with one item to address - the Presentation of the Evaluation and Recommendation of proposals received in response to Request for Proposal (RFP) No. 3820 for the acquisition of Statewide Cellular Voice and Data Services and Equipment Contract for the State of Mississippi.

Chairman Lariviere then asked Col. Ray Causey to further discuss the presentation of the Cellular RFP Group. Col. Causey stated the cellular RFP work group, as designated by the Mississippi Department of Information Technology Services, began meeting in late September 2015, to develop the specifications for the cellular RFP for statewide cellular voice and data services and equipment. The RFP work group met numerous times over the course of several months, finalizing RFP No. 3820 on December 3, 2015. The RFP was first advertised on December 8, 2015, with responses due February 23, 2016. Four valid responses were received from AT&T Mobility, CSpire Wireless, Sprint and Verizon. A fifth response from T-Mobile was deemed non-responsive for failure to include the required proposal bond. The WCC Cellular RFP Committee consisted of Col. Ray Causey (Committee Chairman), Steve Gray, Wayne Vaughn, and Ken Magee. The Committee joined the RFP work group for evaluation of the responses. Each team member reviewed the responses individually. The combined group met on several occasions to reach consensus scoring for the non-cost portions of the responses. The responses were scored using ITS' standard consensus scoring process. In considering cost, the group established cost scenarios prior to consensus scoring, knowing that plans would vary. The intent of the scenarios was to apply the various proposed rates to the scenarios to give a leveled cost to compare across vendors. In order to obtain a level cost for comparison, each vendor received the cost scenarios and was asked to apply the appropriate rate plans, as part of the clarification process. Vendors were asked to "show their work", documenting where in the original proposals the applied plans were located. Cost and Technical score were combined to render the final scores. Col Causey read the

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recommendation of the WCC Cellular RFP Evaluation Committee to approve AT&T Mobility and CSpire Wireless as the lowest and best vendors in response to RFP No. 3820.

Chairman Lariviere asked for further questions. Ms. Audrey McAfee asked how the joint award between AT&T Mobility and CSpire Wireless will work. Col. Causey responded that as a multi-vendor award, ITS will publish guidelines to assist agencies in making selections from either vendor. Ms. Conn confirmed that ITS is working on specific instructions. Mr. Richard Harrell asked if this was the first award to multiple vendors. Ms. Conn clarified that prior to the last award, cellular was available for purchase on the Express Products Lists (EPLs), however, not all agencies were using the chosen plans to their benefit, so that influenced the decision making for a multi-vendor award. The intent was to make the previous cellular award a multi-vendor contract, however there was a significant gap in cost, resulting in a single award.

Mr. Willie Huff asked for the rate comparison between the current contract and the vendor's proposal. Ms. Conn answered there is not a significant difference and that ITS recommends that agencies request quotes from each vendor on the requested services to get the lowest rates when managing plans. She noted it is hard to anticipate cost changes for each agency due to the variety of agency plans, however she thinks the rates will stay the same as the rates are relatively close to current pricing. Mr. Huff asked if CSpire Wireless will honor their current plan in place prior to RFP No. 3820 if MDOT does not see the need for change. Ms. Conn noted that the current contract with CSpire expires on June 30, 2016. The new contracts will begin on July 1, 2016, with the option to renew for 2, two year renewal terms. The new contract will be evaluated in 18 months.

Mr. Huff asked if the vendors chosen will provide devices in new contracts. Ms. Conn stated that all vendors, with the exception of Sprint, include devices at no cost. Mr. Huff also asked if vendors have a maximum or minimum data rate usage allowance. Ms. Conn stated both vendors have plans to suit unlimited or specified amounts of data usage. Col. Causey noted both vendors provided tiered data costs in plans ranging from the highest in unlimited data to the very lowest data at minimal cost. Mr. Huff asked why the decision is being made to have a multi-vendor proposal if the costs for each is not a significant amount. Col. Causey responded that the first two vendors were very close in costs, but there was a gap. Ms. Conn stated that CSpire Wireless proposed a higher cost in some areas as well as lower in others and the same for the AT&T Mobility proposal. Mr. Huff asked if costs were averaged. Ms. Conn confirmed costs were not being averaged. Col. Causey stated with the multi-vendor decision, agencies would be free to select which vendor to use based on pricing and service offered. Mr. Harrell asked if an agency could use both vendors on contract. Ms. Conn confirmed that they would have the option to do so. Mr. Ken Magee noted that he does see a benefit to multiple vendors at the Mississippi Highway Patrol due to coverage issues in areas where employees rely heavily on mobile data to and from patrol cars.

Mr. Huff asked if there will be any procedures in place for opting into better coverage. Col. Causey responded that by having multi-vendor flexibility, the hope is to resolve these issues. Ms. Conn suggested agencies document coverage issues. Mr. Huff asked if both AT&T Mobility and CSpire Wireless are unable to provide adequate coverage, could another vendor be chosen. Ms. Conn stated that agencies will need to follow the ITS exception process. Ms. Helfrich asked what items would allow for the exception process and what the process is. Ms. Conn stated there are two items, coverage and functionality, which will be considered as exceptions if not provided by the selected vendors. Ms. Conn further explained the proposals offer a GSM (Global System for Mobiles) vendor where this is

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applicable and a CDMA (Code Division Multiple Access) vendor. The two different types offer different protocol technology, thus offering, in general, all functionality needed.

Mr. Huff stated his biggest concern is capacity and bandwidth and its effect on Mississippi's public safety. Mr. Huff asked would Ms. Conn consider the ability to offer prioritized service to public responders an issue that would provide for an exception if AT&T Mobility or CSpire Wireless could not offer priority. Ms. Conn responded that would have to be evaluated at the time of occurrence due to contracts with vendors, but intent of the RFP No. 3820 would be to meet the need of state agencies and Institutions of Higher Learning who are required to use the contract. Other governing authorities, including first responders are not required to use this contract by law, but it is available for use. Mr. Huff asked if an exception could be written for instances that do not fit the RFP in emergency circumstances. Ms. Conn responded that assumptions cannot be made to the RFP. ITS has discussed in the proposal the future possibility of the FirstNet network and the possibilities of coverage issues.

Mr. Huff addressed that RFP No. 3820 caters to agencies and not to public safety needs in regards to new technology. Ms. Conn stated that if the new technology is offered by the two vendors, options would already be in place to add to existing plans. In deciding on the multi-vendor proposal, the work group and ITS are fully aware that additional RFPs could be considered outside the current scope as future needs or products are presented, but has elected to focus on needs according to cellular importance of the State's day to day basis functionality. Ms. Helfrich asked for clarification on the RFP as the Federal Government has being given exclusive authority to build the Band Class 14 network (FirstNet) and noted that it will not be a requirement for public safety to use the network but rather a choice. The FirstNet network will provide public safety additional elements of security the current vendors do not offer including preemption, priority of access, data bandwidth, and interoperability functions for all public safety devices operating on the safety Band Class 14 Network. She also noted that the primary concern is the ability for public safety to use this network, when available, and not be bound by a State cellular agreement. Ms. Conn responded that would classify as a functionality issue and the exception process would be followed.

Chairman Lariviere asked who makes the final decision on the exception process. Ms. Conn responded that the rules that are set for the process would be followed at the ITS level. The exception would be reviewed by the WCC if it meets the dollar thresholds. Generally speaking, it is not required to go before the WCC Procurement Committee until dollar amounts exceed \$75,000 and it will be reviewed by the full WCC Commission for approval if over \$150,000. Chairman Lariviere responded that the majority of questions are generated for the concerns of unknown circumstances and with agencies working together more closely since 9/11, there may pose issues for state agencies required to follow guidelines of RFP No. 3820, unlike locals who are not required by law to use the state cellular contracts. Ms. Helfrich also provided clarification on the FirstNet RFP process. Expected responses are due at the end of May 2016. FirstNet will provide a State Plan to the Governor in March or April 2017 allowing 90 days for the Governor to opt in or opt out of the FirstNet network. If the Governor chooses to Opt-out, he will have 180 days from that point to issue a RFP (including state agencies and local responders) for the network. She asked Ms. Conn if there is anything in this particular RFP that may prohibit the Governor from issuing a RFP for the build-out of the FirstNet network as the WCC has a responsibility to advise the Governor on FirstNet decisions. Ms. Conn responded ITS would support the Governor's decision.

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Chairman Lariviere asked for additional questions. With no additional questions, Chairman Lariviere entertained a motion from the Commission. Mr. Timothy Smith entered the following motion: As we all know, the First Responder Network Authority (FirstNet), an agency within NTIA, is attempting to construct a nationwide high-speed broadband network dedicated to public safety. It is my understanding, based upon the discussion we have had today, that the contract for RFP 3820 allows exceptions for state agencies that have the need to use such a network for their mission-critical public safety data – should this network become available in Mississippi. Therefore, with this understanding, I move that we authorize the Chairman and the Executive Officer of the WCC to execute these contracts with the two vendors that have been selected. Col. Causey seconded the motion.

Chairman Lariviere asked for discussion. Mr. David Johnson questioned the motion giving the WCC authority to execute the contract. Ms. Helfrich responded that the WCC executed the last cellular agreement contract. Ms. Conn stated the recommendation should be to approve the award and not the contract, as the contract is negotiated separately and approval for contract not revisited before submission for signature. Ms. Helfrich asked if Ms. Conn expects negotiations of the contract. Ms. Conn stated in the multi-vendor award, the terms and conditions have to be exactly the same as contract and ITS is working through exceptions the vendors included in their responses. The ITS AG Attorney is involved and will work through the review process before signatures are secured. Ms. Helfrich asked if it is the intention of ITS to have the WCC sign the contract. Mr. Johnson responded that the WCC will consent to the procurement award. Mr. Smith asked if Dr. Craig Orgeron will sign the contract. Mr. Johnson stated ITS will be the negotiating and executing entity. Mr. Mark Garriga, legal counsel for the Commission, asked for clarification on what ITS is asking the WCC to do. Ms. Conn responded that the WCC approves the report and recommends the vendors be submitted to the ITS Board for approval at the ITS Board meeting on Thursday, May 19, 2016. Mr. Garriga noted that the only item today is to ratify the selection of vendors for submission. Ms. Conn confirmed. Mr. Huff asked if after Ms. Conn takes the WCC recommendation to the ITS Board meeting today, will she then bring the contract to WCC for approval. Ms. Conn stated that the WCC would not approve the contract. The ITS Board will be approving the contract and upon approval of the contract, the contract would be negotiated and will be executed with vendor signature as well as Dr. Orgeron's. Ms. Conn stated the only factors possible to change in negotiations would be the wording of terms and conditions and not applicable to final scoring or pricing changes. Mr. Smith withdrew his original motion, and Col. Causey withdrew his second motion.

Mr. Smith re-stated his motion: As we all know, the First Responder Network Authority (FirstNet), an agency within NTIA, is attempting to construct a nationwide high-speed broadband network dedicated to public safety. It is my understanding, based upon the discussion we have had today, that the contract for RFP 3820 allows exceptions for state agencies that have the need to use such a network for their mission-critical public safety data – should this network become available in Mississippi. Therefore, with this understanding, I move that we authorize the Chairman and the Executive Officer of the WCC to approve the award with these two vendors that have been selected. Mr. Johnson seconded the motion. Chairman Lariviere entertained a motion to adjourn with all in favor and none opposed. The special called meeting was adjourned at approximately 9:52 AM.