

MISSISSIPPI WIRELESS COMMUNICATION COMMISSION

September 5, 2019 Meeting Minutes

Place: Woolfolk Building, Room 145, 501 North West Street, Jackson, MS

Commission Members Present:	
MS Department of Transportation	Huff, Willie (Chairman)
MS Department of Wildlife Fisheries and Parks	Bolden, Michael (Vice-Chairman)
MS National Guard	Causey, Lt. Col. Ray
MS Department of Public Safety	Davis, Mandy
MS Municipal League	Girod, Arty
MS Association of Supervisors	Gray, Steve
MS Department of Information Technology Services	Johnson, David
MS Association of Sheriffs	Johnson, Sheriff Randy
MS Department of Corrections	McAfee, Audrey
MS Department of Emergency Management	McCraney, Stephen
MS Department of Environmental Quality	Sanders, Chris
MS Department of Health	Vaughn, Wayne
MS Association of Police Chiefs	Waggener, Perry
Advisory Members Present:	
House of Representatives Public Utilities Committee	Steverson, Representative Jody
Senate Appropriations Committee	Burton, Senator Terry

Chairman Willie Huff called the meeting to order at 1:30 PM and welcomed everyone. Commissioner Michael Bolden, Vice-Chairman of the Commission, made a motion to adopt the minutes as submitted, and it was seconded by Commissioner Steve Gray. The motion carried, with none opposed.

Ms. Vicki Helfrich, Executive Officer of the WCC, then provided the MSWIN Project Update for August 2019. She reported information on special event talk groups assigned, radios loaned out, activities the WCC staff (Staff) participated in during the month, the number of current MSWIN users, the top ten (10) state agencies/number of devices by system use, and the top ten (10) Local /other agencies/number of devices by system use.

Mr. Bill Buffington, Technical Advisor to the Commission, provided an update on the MSWIN build-out status. Mr. Buffington reported the Canton tower site continues to progress with the sign-off on tribal lands expected soon. He hopes the WCC will be able to break ground by the end of the month. Staff continues to finalize the AT&T/FirstNet State owned tower sites for co-locating equipment, tower remediation, and engineering design work for tower load modifications. Staff is also working with T-Mobile to co-locate equipment on MSWIN towers.

Ms. Helfrich gave an update on the status of certain WCC contracts. She reported that the QA/QC Services contract has been re-bid. Individuals have been selected and will be presented for approval later in the meeting. Staff is also working on the MICG grant extension and hope to file it within the next week.

Chairman Huff called for Committee Reports to be held until the end of the meeting.

Chairman Huff called for approval of expenditures. Commissioner David Johnson provided both the August FY19 and August FY20 financial reports including operating expenses, deficit funding, grant funding, and program income as provided on the WCC Detail of Monthly Expenses and the WCC Activity reports. Chairman Huff called for any discussion. With no further discussion,

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Commissioner Wayne Vaughn made a motion to approve the monthly expenditures, seconded by Commissioner Randy Johnson; the motion carried, with none opposed.

Chairman Huff called for Ms. Helfrich to present other business. Staff has been in the process of soliciting, interviewing, and forming a recommendation for quality assurance and quality control (QA/QC) engineering services. Out of the thirteen (13) resumes reviewed, four (4) individuals have been recommended for hiring. Those recommended for the QA/QC positions are: Thomas Tracey and Barry Hill of Buford, Goff and Associates (BGA). These will be 5-year contracts (3 years with the option to renew for two (2) additional years) with a total value not to exceed \$442,000.00 for Mr. Tracey and \$221,000.00 for Mr. Hill. Those recommended for the Senior QA/QC positions are: Rodney McClain and Michael Corbett of BGA. These will be 5-year contracts (3 years with the option to renew for two (2) additional years) with a total value not to exceed \$481,000.00 for Mr. McClain and \$260,000.00 for Mr. Corbett. Commissioner Randy Johnson made a motion to approve the individual contracts, seconded by Lt. Col. Ray Causey, and the motion carried with none opposed.

Chairman Huff called for the report of the Governance/Interoperability Committee. Lt. Col. Ray Causey reported that the Committee had not met during the past month.

Chairman Huff called for the report of the Procurement Committee. Commissioner Waggener, Chairman of the Committee, reported that there were five (5) procurement requests to be reviewed for the month.

The first procurement request was submitted by the Rankin County EOC in the amount of \$20,151.50, to purchase twelve (12) APX 900 P25 Radios. This request was approved by the Procurement Committee, pending receipt of the official minutes for the EOC, with no further action needed from the full Commission.

The second request was submitted by the Rankin County EOC for \$240,906.20, to purchase three (3) Microwave Hops. This request was approved by the Procurement Committee, pending receipt of the official EOC minutes, with no further action needed from the full Commission.

The third request was submitted by the MS Department of Public Safety – MS Highway Patrol in the amount of \$501,435.00 to purchase AES encryption software and enhanced multi-key capabilities for 1100 devices. Chairman Waggener made a motion on behalf of the Procurement Committee for full Commission approval, seconded by Commissioner Vaughn and the motion carried with none opposed.

The fourth request was submitted by the Adams County Sherriff's Office in the amount of \$403,100.01 to purchase 44 radios, programming, and installation. Chairman Waggener made a motion on behalf of the Procurement Committee for full Commission approval, seconded by Commissioner Johnson, the motion carried with none opposed.

The fifth request was submitted by the Jackson County Emergency Communication District (JCECD). Commissioner Waggener provided a recap of his committee's consideration of the JCECD request, including a June 21, 2019, called special Procurement Committee meeting to review JCECD's P25 Public Safety Radio Network request, followed by a July 11, 2019 Procurement Committee meeting. At this second meeting, the JCECD request was tabled to allow Staff time to work with JCECD to develop a MSWIN option and an ISSI interoperability proposal.

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On July 23, 2019 the Staff met with representatives of JCECD and several Jackson County legislators to review the MSWIN option and the ISSI Proposal. On August 1, 2019, the Procurement Committee met and agreed to honor JCECD's request to table the matter until the next meeting, to be held on September 5, 2019, to allow JCECD additional time to review the proposal provided by Staff. On September 5, 2019, the Procurement Committee met again and representatives of JCECD appeared and announced that the JCECD board had decided not to pursue the MSWIN option provided by Staff. JCECD requested that the committee, instead, consider its original procurement request. Chairman Waggener then made a motion to transfer JCECD's procurement request to the full Commission and it was seconded by Commissioner Wayne Vaughn. The motion carried, with none opposed.

The Chairman acknowledged George Sholl of JCECD to provide an overview of its procurement request. Mr. Sholl stated that JCECD had conducted an extensive multi-year search of options to replace its current 800 MHZ radio system and had reviewed multiple proposals. JCECD eventually issued a Request for Proposals (RFP) for a new P25 radio system. Three (3) vendors responded to the RFP and JCECD selected the proposal provided by Communications International, based on a technical and cost analysis. Mr. Sholl also stated that the MSWIN option proposal submitted by the Staff was presented to the JCECD Board on August 21, 2019. However, JCECD had identified a number of issues with the MSWIN proposal, including its concern that use of MSWIN would create a single point of failure; that there would be a loss of redundancy, as required by its RFP; that the MSWIN option did not include detailed coverage maps; JCECD's current microwave system would need to be modified; and the acceptance of the MSWIN proposal would mean that JCECD would be forced to reuse much of its current equipment. Mr. Sholl summarized by stating that JCECD's board had concluded that the MSWIN option did not cover all the points in its RFP and, therefore, does not meet its needs. Mr. Sholl further stated that JCECD's decision to select the Communications International proposal was based primarily on the technical aspects of the proposal, not the cost of the MSWIN option, and that price was not the determining factor in its decision. JCECD's representative then requested Commission approval of the proposal.

Mr. Sholl then read two letters to the Commissioners. Senator Brice Wiggins stated in his letter that he supports JCECD in its efforts to protect its citizens and assured the Commission that JCECD is ready to "flip the switch" on its new system. He also expressed the view that he hopes that JCECD and the WCC can reach an agreement, as contemplated by Mississippi law. The other letter Mr. Sholl presented was one authored by State Representative Hank Zuber, who stated in his communication to the Commission that he fully supports JCECD in its decision to select Communications International.

The Chairman then acknowledged Ms. Helfrich and requested that she provide the Commission with an overview of the Staff's report. Ms. Helfrich's presentation to the Commission highlighted a number of issues for the members' consideration, including:

(1) Improper Advertisement of RFP - JCECD did not advertise the RFP for the proposed radio network in accordance with Section 31-7-13 (c)(i) of the Mississippi Code of 1972. This law requires competitive bids to be advertised once each week for two (2) consecutive weeks in a regular newspaper published in the county or municipality in which such agency or governing authority is located for expenditures more than \$50,000. JCECD only advertised the RFP in the Sun Herald one time on February 10, 2018.

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(2) Procurement Commitment prior to WCC Approval - JCECD executed a contract for the proposed radio network with its selected vendor, Communications International, and issued a notice to proceed to the company, on or around May 14, 2019, prior to receiving WCC approval. Per the WCC Purchasing Guidelines and Procedures, Rule 1.3 - Purchases outside the MSWIN and Master Cellular Agreements states: To help achieve its legislated goal of effective wireless communication interoperability throughout the state, the Commission has set price thresholds for the review of wireless initiatives outside these statewide contracts prior to any procurement commitment by the purchasing entity.

(3) Procurement Commitment for Microwave Subsystem prior to WCC Approval - JCECD issued an RFP for a T1-IP Ethernet Public Safety Microwave Network resulting in the execution of a contract and subsequent deployment of a four-site microwave network without PRIOR WCC approval. This microwave system will be used as the backbone for the proposed radio network and was not included in the procurement request currently under review. Per WCC Purchasing Guidelines and Procedures, Rule 1.1, provides: "Traditional point-to-point high-speed data communications across physical locations using wireless access points". Rule 1.4 of these regulations provides that covered wireless purchases over \$100,000, including both initial purchase cost and ongoing expenditures for a reasonable product lifecycle, require review and approval of the full Commission. Projects greater than \$250,000 per project or per fiscal year require preliminary review by the Procurement Review Committee and approval of the Commission. These reviews must be conducted "prior to any procurement commitment by the purchasing entity."

(4) JCECD's Proposed Use of ISSI Gateway Technology to Connect Two Systems - JCECD's proposed radio network solution includes the use of an Inter-RF Subsystem Interface (ISSI). An ISSI provides an IP based connection between the two systems to form a system of systems. Each system requires a separate ISSI connection. An ISSI solution is considered a gateway and is a lesser form of interoperability than the use of a shared system - MSWIN. Per Rule 6.2 of the WCC's Purchasing Guidelines and Procedures provides: "Patching the MSWIN system for normal operations creates a high risk of degrading the availability of both the MSWIN and agency's resources. Patching to MSWIN will be strictly monitored and controlled. The implementation and operation of the patch hardware, interface, radio, labor, etc. is the responsibility of the requesting agency." The pricing for a Motorola MSWIN ISSI with a 15 year lifecycle cost is \$1,722,263. This pricing does not reflect any subscriber reprogramming efforts, fleet mapping and planning, networking, or training costs that may be necessary. Per WCC Rules, JCECD will be required to cover any and all costs associated with the use of an ISSI interface to connect the MSWIN system to the proposed radio network.

(5) MSWIN option provides increased interoperability and cost savings to taxpayers - The JCECD MSWIN option will provide JCECD with interoperable communications with over 41,000 state, local, and federal first responders, increased coverage in surrounding counties, ability to maintain local control while resulting in an estimated \$4,098,303.14 cost-savings to the County.

Ms. Helfrich asked Mr. Buffington to discuss the technical aspects of the MSWIN option. Mr. Buffington stated that the MSWIN option provided to JCECD met the technical specifications that were included in the RFP for the proposed radio network and matched those of the Communications International Proposal. Mr. Buffington also stated that the WCC has worked for 14 years to create a statewide interoperable platform and the need for this type of platform actually began on the Mississippi Gulf Coast. Mr. Buffington opined that even after the proposed radio network has been implemented and the proposed expenditure made by JCECD, the level of interoperability that will exist between this system and other public safety wireless communications systems will not be adequate. Mr. Buffington also stated that had Staff been

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given the opportunity, all of JCECD's concerns about the MSWIN proposal could have been addressed and resolved.

Mr. Sholl then took the podium to respond to questions from the Commission. Commissioner Wayne Vaughn expressed his concern that JCECD had not properly handled the procurement procedures required by state law. He asked the Chair, Commissioner Huff, if the Commission could be liable if it approved this procurement request. Chairman Huff stated that any legal questions would need to be resolved in a potential executive session. Commissioner Vaughn then asked Mr. Sholl if the emergency management, law enforcement, and the fire services in Jackson County support the Communications International proposal and Mr. Sholl replied in the affirmative. Commissioner Causey asked if JCECD is prepared to pay for the ISSI needed to provide the required level of interoperability between the proposed radio network and MSWIN. Mr. Sholl replied that while JCECD had specified an ISSI in its contract with Communication International, the MSWIN ISSI connection proposal was not clear, as there were different costs quoted for the ISSI, the separate ISSI proposal and the ISSI included in the MSWIN option. Mr. Buffington responded to Mr. Sholl's statement, stating that the ISSI included in the MSWIN option was lower due to Motorola's ability to leverage an existing connection with the Harris system in Alabama.

Commissioner Ray Causey then commented that he had grown up in Pascagoula and lived through Katrina. He expressed his concern that while the WCC was created to ensure that all first-responders could communicate through a common system, the JCECD proposal is a movement in the opposite direction. Commissioner Johnson asked if the proposed network could be interoperable with MSWIN and would there be an additional cost. Mr. Sholl replied that JCECD believes it will be fully interoperable and that all of the radios will have the ability to talk on the MSWIN system. Mr. Sholl stated that he assumes that anyone who comes into the Jackson County area will program its radios to talk on the system talk groups for the proposed radio network. JCECD will be able to one button punch two systems together and punch two talk groups together. Mr. Sholl further stated that he did not foresee any scenario in which the proposed radio network will not be fully interoperable with anyone coming into Jackson County. Ms. Helfrich asked if the interoperability that Mr. Sholl is referring to is the same interoperability that we currently have with Jackson County and Mr. Sholl replied in the affirmative. Ms. Helfrich responded to this comment by pointing out that there would be a cost to MSWIN subscribers responsible for programming radios to work on JCECD's. She also referred the Commission members to page 5 of Staff's report, referencing the technology lane of the Department of Homeland Security's Interoperability Continuum. Ms. Helfrich further stated that the form of inoperability that JCECD is proposing is considered a "gateway" and is a lesser interoperability standard than a "standards-based shared system," which is what MSWIN provides.

Chairman Huff asked if there were any other questions. He then recognized Kenneth Johnson, President of the JCECD Board, to speak. Mr. Johnson addressed the procurement process and acknowledged that JCECD had only advertised one time and that it had received three (3) proposals – EF Johnson, Motorola, and Communications International/Harris. Regarding the microwave procurement, he stated that JCECD had acted on the advice and direction of its attorney, who is no longer with the board. He said that Motorola submitted a proposal in response to JCECD's RFP, one that was very close to the Communications International Proposal, but Motorola did not meet its needs. He stated that Motorola had an opportunity to submit a second bid, through the MSWIN option, and that Motorola left out many specs and costs that JCECD needed. Commission Vice-Chairman, Commissioner Bolden, responded by noting that Motorola

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isn't bidding twice; but rather, the RFP submitted by JCECD did not include a MSWIN option at all (JCECD requested a stand-alone system). Motorola is the vendor for the WCC (MSWIN system) and the technical specs that were provided by Motorola using the MSWIN platform were not the same as those Motorola may have proposed for the stand-alone proposed radio network. The MSWIN option, developed under the direction of the WCC Staff, is a different proposal and one based on all the information and pricing that is available to entities through the WCC's MSWIN state contract. Commissioner Bolden concluded by stating that there is no semblance between the two Motorola proposals, except that the proposals happen to be provided by the same vendor. Mr. Kenneth Johnson replied that he felt that Motorola (under the WCC MSWIN option) had too many unknowns and, therefore, from a technical standpoint JCECD could not evaluate the MSWIN proposal fairly. Vice-Chairman Bolden responded by stating that the MSWIN option, which is the backbone of the state's public safety wireless communication system, operates through the assurances provided under those state laws that give the WCC the purview to manage emergency communications in the state.

Chairman Huff asked Mr. Johnson if JCECD has signed a contract and issued a notice to proceed to its vendor. Mr. Johnson replied in the affirmative. Chairman Huff then asked that if JCECD had, in fact, already entered into a contractual agreement with a vendor it was now, in effect, asking the WCC to approve it after the fact. Mr. Johnson replied in the affirmative. There were no other questions.

Commissioner Wayne Vaughn made a motion to close the meeting for a preliminary determination of the necessity for executive session, which was seconded by Commissioner Sanders. The Commission voted unanimously in favor of this motion. All attendees except Commissioners, Staff, and Counsel were asked to exit the room. There was then a discussion related to the necessity for executive session. Vice-Chairman Bolden then made a motion that the Commission go into executive session to conduct a strategy session with respect to prospective litigation, because an open meeting would have a detrimental effect on the litigating position of the Commission, seconded by Chairman Waggener. The vote was unanimous to go into executive session. Chairman Huff asked that the public be notified that the Commission would go into executive session for this purpose, which was accomplished by an announcement in the hall outside the meeting room by the WCC's counsel. The executive session was conducted by the Chairman on the subject announced. There were no votes or actions taken during executive session. Upon conclusion of the discussion, a motion was made to close executive session and resume open meeting by Vice-Chairman Bolden, seconded by Commissioner Vaughn. The Commissioners voted unanimously to close the executive session and resume the open meeting. Members of the general public still waiting were notified that the open session would resume.

After the open meeting resumed Commissioner Mandy Davis made a motion to reject the JCECD application for approval of the Communications International proposal for the radio network proposed by JCECD, which was seconded by Commissioner Vaughn. The motion carried with all Commissioners voting in favor of the motion, with only Commissioner Steve Gray voting in opposition.

With no further business to discuss, Chairman Huff then announced the next monthly meeting will be at 1:30 PM, October 3, 2019 in Room 145 of the Woolfolk Building at 501 North West Street, Jackson, MS. Chairman Huff entertained a motion to adjourn. Commissioner Vaughn made a motion to adjourn and the motion carried with none opposed. The meeting adjourned at approximately 2:54 PM.

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Walter J. Albert 10/3/19
Attested: Executive Officer/Date

William R. Huff 10/3/19
Approved: Chair or Vice Chair /Date

