



## City Council Report

915 I Street, 1<sup>st</sup> Floor

Sacramento, CA 95814

[www.cityofsacramento.org](http://www.cityofsacramento.org)

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**File ID:** 2021-00241

**April 6, 2021**

**Consent Item15**

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**Title: Agreement: Cooperative Purchase Agreement for Public Safety and Emergency Preparedness Equipment and Related Services [Published for 10-Day Review 03/25/2021]**

**Location:** Citywide

**Recommendation:** Pass a Motion approving the continued use of Omnia Partners' cooperative purchasing agreement with Mallory Safety and Supply (Contract No. 4400008495) for the purchase of public safety and emergency preparedness equipment and related services and increasing the authorized expenditure amount to \$1.7 million through September 30, 2028, or until the cooperative agreement is no longer available for use if the options to extend are not exercised, subject to approval of the budgetary resources for the subsequent years.

**Contact:** Gary O'Neill, Procurement Analyst, (916) 808-7432; Dayana Reyes Zanaska, Procurement Manager, (916) 808-6213, Department of Finance.

**Presenter:** None.

**Attachments:**

1-Description/Analysis

2-Contract #440000008495 and Omnia Partners Executive Summary

**Description/Analysis**

**Issue Detail:** City departments require public safety and emergency preparedness equipment to comply with various City requirements and to support their operations. After reviewing available purchase options, it has been determined that the Omnia Partners cooperative purchase agreement with Mallory Safety and Supply provides the most advantageous solutions to support the City's public safety and emergency preparedness equipment needs.

The County of Fairfax, VA, in association with Omnia Partners, solicited a Request for Proposals (RFP) 2000002547 for public safety and emergency preparedness equipment and related services, with a deadline of March 13, 2018. A 5-year agreement, with an initial term of October 1, 2018, through September 30, 2023, and options for five additional 1-year renewals through September 30, 2028, was awarded on June 7, 2018.

**Policy Considerations:** City Code 3.56.240 authorizes the City, where advantageous, by cooperative purchasing agreements approved by City Council, purchase supplies or non-professional services through legal contracts of other public agencies without separate competitive bidding by the City.

The Sacramento City Code Section 4.04.020 and Council Rules of Procedure (Chapter 7, Section E.2.d) mandate that unless waived by a 2/3 vote of the City Council, all labor agreements and all agreements greater than \$1,000,000 shall be made available to the public at least ten (10) days prior to council action. These contracts were published for 10-day review on March 25, 2021 as required.

**Economic Impacts:** None.

**Environmental Considerations:**

**California Environmental Quality Act (CEQA):** The proposed activity is not a project pursuant to the California Environmental Quality Act (CEQA). CEQA Guidelines Section 15378(b)(2). The activity is a continuing administrative or maintenance activity, such as the purchases for supplies, personnel-related actions, general policy, and procedure making and is not subject to CEQA. CEQA Guidelines Section 15060(c)(3).

**Sustainability:** The recommended contract is consistent with the Sustainable Purchasing Policy (AP-4003).

**Commission/Committee Action:** None.

**Rationale for Recommendation:** After reviewing the available purchasing options, Procurement Services determined that the Omnia Partners cooperative purchase agreement with Mallory Safety and Supply, a national company with over forty years of expertise in personal protective equipment, represents the most advantageous purchasing strategy. The contract was competitively bid, and Omnia Partners receives greater discounts from this supplier due to a higher purchase volume.

In an ongoing effort to maximize cost savings and staff resources, many government agencies share contracting efforts through cooperative purchasing agreements. This procurement approach increases pricing competitiveness, reduces administrative costs, and leverages pricing through greater volume buying. The City has used both regional and national cooperative purchase agreements to complement its own contracting initiatives where possible. Cooperative purchasing enables City departments to evaluate a broader range of contracting opportunities and to share resources with other jurisdictions. Cooperative purchasing also leverages internal and external resources to maximize cost savings opportunities for the City. Council approved the use of this RFP through Motion No.2019-0239 on July 30, 2019.

A recent review of spending trends for this contract found that the amount spent is higher than what was originally estimated. The current spend amount averages approximately \$170,000 per year. Staff anticipates that this contract shall continue to be used for up to a ten-year period.

<b>Contract Number</b>	<b>Current NTE</b>	<b>Current Spend (as of 1/31/21)</b>	<b>Requested NTE</b>	<b>Expiration Date (if all options to extend are exercised)</b>
4400008495	\$750,000	\$396,047	\$1,700,000	9/30/2028

Percentage of purchases by department:

- 50% - Fire Department
- 30% - Department of Utilities
- 19% - Projects and External Funded Programs
- 1% - All other departments

**Financial Considerations:** City departments, primarily the Fire Department and the Department of Utilities, currently purchase equipment on an as needed basis through this cooperative agreement. The requesting department operating and/or capital improvement program budgets will be used to cover the costs associated for purchases and services associated with this agreement.

**Local Business Enterprise (LBE):** The LBE requirement does not apply to the City's use of cooperative purchase agreements that have been competitively bid, evaluated, and awarded by other governmental agencies that may or may not have similar LBE programs.

## **Attachment 2**

**Fairfax County, VA**

**Contract #4400008495**

*for*

Public Safety and Emergency Preparedness Equipment  
and Related Services

*with*

**Mallory Safety and Supply, LLC.**

Effective: October 1, 2018

The following documents comprise the executed contract between the Fairfax County, VA and Mallory Safety and Supply, LLC., effective October 1, 2018:

- I. Vendor Contract and Signature Form
- II. Supplier's Response to the RFP, incorporated by reference



# County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

## MEMORANDUM OF NEGOTIATIONS

RFP 2000002547

### Public Safety and Emergency Preparedness Equipment and Related Services

The County of Fairfax (hereinafter called the County) and Safeware, Inc. and Mallory Safety and Supply, LLC. (hereinafter called the Contractor) hereby agree to the following in the execution of Contract 4400008468 with Safeware, Inc. and Contract 4400008495 with Mallory Safety and Supply, LLC. (hereinafter called the Contract) for the provision of public safety and emergency preparedness equipment and related services. The final Contract contains the following documents:

- a. The County's Request for Proposal RFP 2000002547 and all Addenda;
- b. The Contractor's Technical Proposal and Cost Proposal dated March 8, 2018;
- c. The Contractor's response to clarification questions dated March 28, 2018.
- d. The Contractor's response to items for negotiation dated April 12, 2018.
- e. This Memorandum of Negotiations;
- f. County's purchase order;
- g. Any subsequent amendments to the Contract.

In addition, the County and the Contractor agree to the following:

1. The parties to this Contract acknowledge that Safeware, Inc. submitted a proposal, on behalf of Safeware, Inc. and Mallory Safety and Supply, LLC., in response to RFP2000002547. Mallory Safety and Supply, LLC. acknowledges and agrees to provide public safety and emergency preparedness equipment and related services to Participating Public Agencies of the states of Alaska, Hawaii, Washington, Oregon, California, Arizona, Nevada, New Mexico, Wyoming, Idaho, Montana, and Utah and to assume all responsibilities and obligations under this Contract for its designated territory. Safeware, Inc. acknowledges and agrees to provide public safety and emergency preparedness equipment and related services to Participating Public Agencies located in all other states of the United States, not identified above and to assume all responsibilities and obligations under this Contract for its designated territory. Contract number 4400008468 has been assigned to Safeware, Inc. and Contract number 4400008495 has been assigned to Mallory Safety and Supply LLC. to facilitate ordering.
2. The Contractor shall provide eCommerce rebates as outlined below:
  - If 30%-69.99% of total invoiced sales are received by website orders at the conclusion of each contract year, a 0.5% rebate will be provided on purchases made through ecommerce.
  - If 70% or greater of total invoiced sales are received by website orders at the conclusion of each contract year, a 1% rebate will be provided on purchases made through ecommerce.
    - o Conditions: The agency total purchases for the annual contract period must be greater than \$20,000. Ecommerce is defined as any order placed through Safeware or Mallory's website or fully integrated third party marketplace where the Participating Public Agency's orders and Safeware-Mallory's invoices are transacted via EDI, XML or cXML. Ecommerce rebates cannot be combined with other rebates, early payment discounts, or where the buying agency or procurement platform charges an administrative or transaction fee.

Department of Procurement & Material Management

12000 Government Center Parkway, Suite 427

Fairfax, VA 22035-0013

Website: [www.fairfaxcounty.gov/dpmm](http://www.fairfaxcounty.gov/dpmm)

Phone 703-324-3201, TTY: 1-800-828-1140, Fax: 703-324-3228

3. Large sales greater than \$20,000 may be eligible for additional price discounts from manufacturers and will be automatically flagged in the Contractor's system to seek additional price concessions from manufacturers.
4. For purchase of services under this Contract, the Contractor shall provide a minimum of 10% discount from Safeware and Mallory's list price. The pricing for services may be negotiated to a lower price.
5. The Contractor acknowledges and agrees that the County and the Participating Public Agencies reserve the right to review and negotiate the license and maintenance terms and conditions prior to any purchase of software under this Contract and that the Contractor will provide full support for executing the negotiated license/maintenance agreement(s) by the County/Participating Public Agencies and the software publisher. The Contractor also agrees to obtain agreement from its software publishers that their shrink wrap, browse wrap, click through, or similar processes are for access purposes only, and any terms and conditions offered in or referenced by those procedures will have no force or effect.
6. The Contractor shall hold the discount rate of 41% for equipment and 10% for services firm for the entire contract term including renewal periods.
7. The parties mutually agree that the first sentence of Paragraph 1.3 of Section 1 titled Insurance (Fairfax County Special Provisions) is deleted and is replaced with the following language:

No change, cancellation, or non-renewal shall be made in any insurance coverage without a thirty-day written notice to the County Purchasing Agent and/or Risk Manager.

8. The parties mutually agree that the Paragraph 1.2 b. of Section 1 titled Insurance (Fairfax County Special Provisions) is deleted and is replaced with the following language:

The contractor agrees to maintain Commercial General Liability insurance in the amount of \$1,000,000 per occurrence/aggregate, to protect the contractor, its subcontractors, and the interest of the County, against any and all injuries to third parties, including bodily injury and personal injury, wherever located, resulting from any action or operation under the contract or in connection with contracted work.

ACCEPTED BY:

  
Safeware, Inc.

6/6/18  
Date

Shawn Murray  
Mallory Safety and Supply, LLC.

6/6/18  
Date

  
Cathy A. Muse, CPPO  
Director/County Purchasing Agent

6/7/18  
Date





PUBLIC SAFETY AND EMERGENCY PREPAREDNESS EQUIPMENT AND RELATED SERVICES  
Executive Summary

**Lead Agency:** County of Fairfax, VA

**Solicitation:** 2000002547

**RFP Issued:** February 6, 2018

**Pre-Proposal Date:** February 22, 2018

**Response Due Date:** March 13, 2018

**Proposals Received:** #10

**Awarded to: Mallory Safety and Supply LLC: Contract #4400008495**

Fairfax County, Virginia Department of Procurement & Material Management (DPMM) issued RFP #2000002547 on February 6, 2018, to establish a national cooperative contract for Public Safety and Emergency Preparedness Equipment and Related Services.

The solicitation included cooperative purchasing in No.1. Master Agreement:

*Fairfax County, VA (herein "Lead Public Agency" on behalf of itself and all states, local governments, school districts, and higher education institutions in the United States of America, and other government agencies and nonprofit organizations (herein "Participating Public Agencies") is soliciting proposals from qualified suppliers to enter into a Master Agreement for a complete line of Public Safety and Emergency Preparedness Equipment and Related Services (herein "Products and Services").*

And No.4. U.S. Communities:

*U.S. Communities Government Purchasing Alliance (herein "U.S. Communities") helps Participating Public Agencies to reduce the cost of purchased goods through strategic sourcing that combines the purchasing power of public agencies nationwide. This is accomplished through an award of competitively solicited contracts for high quality products and services by large and well recognized public agencies (herein "Lead Public Agencies"). The contracts are available for use by the respective Lead Public Agency and, also, by other Participating Public Agencies.*

Notice of the solicitation was sent to potential offerors, as well as advertised in the following:

- The Buy Line Blog, Seattle.gov
- The Honolulu Star, HI
- Merx.com
- The New York State Contract Reporter, NYSCR.ny.gov
- ONVIA
- Pamplin Media Group - Portland, OR, [legals@commnewspapers.com](mailto:legals@commnewspapers.com)
- U.S. Communities – Website
- The ADVOCATE, LA
- The Daily Journal of Commerce, WA

On March 13, 2018 proposals were received from the following offerors:

- Federal Resources
- Safeware, Inc.
- Tactical & Survival Specialties, Inc. (TSSI)
- WatchGuard, Inc.
- STRACK, Inc.
- Atlantic Emergency Solutions
- L.N. Curtis & Sons
- Digital Ally, Inc.
- Moser Training Solutions, LLC
- Products Unlimited, Inc.

Ten (10) Proposal were received. Using the evaluation criteria established in the RFP, five (5) were disqualified (Atlantic Emergency Solutions, L.N. Curtis & Sons, Digital Ally, Inc., Moser Training Solutions, LLC and Products Unlimited, Inc.) and the other Five (5) proposals (Federal Resources, Safeware, Inc., TSSI, WatchGuard, Inc. and STRACK, Inc.) were deemed responsive and upon evaluation, the committee elected to award to Safeware, Inc. and Mallory Safety and Supply, LLC. as the top Offerors for public safety and emergency preparedness equipment and related services.

Contract includes:

*Mallory Safety and Supply, LLC serves the West including Alaska, Hawaii, Washington, Oregon, California, Arizona, Nevada, New Mexico, Wyoming, Idaho, Montana and Utah.*

- A full-line fire and safety product.
- On-call 24/7 to respond with product and solutions.
- Mallory pledges 2-hour emergency response.

Term:

Contract period from October 1, 2018 through September 30, 2023 with the option to renew to a maximum of five (5) additional (1) year periods, through September 30, 2028.

Pricing/Discount: Discount off Catalog.

OMNIA Partners, Public Sector Landing Pages:



# County of Fairfax, Virginia

## NOTICE OF AWARD

Date:

CONTRACT TITLE: Public Safety and Emergency Preparedness Equipment and Related Services

RFx NUMBER: RFP2000002547

CONTRACT NUMBERS: 4400008468 – Safeware, Inc.  
4400008495 – Mallory Safety and Supply LLC.

NIGP CODES: 34020, 34054, 34072, 34080, 34087, 34540, 34574, 68008, 68068, 68067, 99029

CONTRACT PERIOD: October 1, 2018 through September 30, 2023

RENEWALS: Five (5) One-Year Options  
(or a combination of the years)

SUPERSEDES CONTRACTS: 4400001839 (Safeware, Inc.);  
4400001840 (Mallory Safety and Supply LLC.)

CONTRACTOR:

Safeware, Inc.  
4403 Forbes Blvd  
Lanham, MD 20706

Contact: Rick Bond, Vice President of Sales  
Phone: 301-542-3258  
E-mail: [rbond@safewareinc.com](mailto:rbond@safewareinc.com)

For ordering, go to [www.safewareinc.com](http://www.safewareinc.com)

SUPPLIER CODE:

1000011775

Mallory Safety and Supply, LLC  
1040 Industrial Way  
Longview, WA 98632

Contact: Allison Windsor, Director of Government Sales  
Phone: 818-644-9484  
E-mail: [allison.windsor@malloryco.com](mailto:allison.windsor@malloryco.com)

1000017276

**Department of Procurement & Material Management**

12000 Government Center Parkway, Suite 427  
Fairfax, VA 22035-0013

Website: [www.fairfaxcounty.gov/dpmm](http://www.fairfaxcounty.gov/dpmm)

Phone (703) 324-3201, TTY: 1-800- 828-1140, Fax: (703) 324-3228

DELIVERY: N/A

TERMS: Net 30 Days

FOB: Destination

PRICES: See Attached Pricing Schedule

DPSM CONTACT: Jamie Pun, VCO, CPPB, Contract Specialist II  
Telephone: 703-324-3653  
Fax: 703-324-3228  
E-mail: Jamie.Pun@fairfaxcounty.gov

ORDERING INSTRUCTIONS:

Any county department may enter into FOCUS (Fairfax County Unified Systems) a shopping cart indicating the item/service required, the quantity, the payment terms and the delivery date. The shopping cart must be annotated with the contract number. Requests exceeding the small purchase threshold (\$10K) will be routed to DPMM and a purchase order will be executed.



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Jamie Pun, VCO, CPPB  
Contract Specialist II

DISTRIBUTION:

Finance – Accounts Payable/e

FRD – Jason Stanley/e

FCPD – Mike Estelle/e

FCPD – Kerene Gordon/e

DPSC – Robert Turner/e

DPWES, Noman Control Pollution Plant – Cliff Davis/e

Sheriff's Office – Kevin Burns/e

COG – Rick Konrad ([rkonrad@mwkog.org](mailto:rkonrad@mwkog.org))

U.S. Communities – Alexis Turner ([aturner@uscommunities.org](mailto:aturner@uscommunities.org))

Contractor - [rbond@safewareinc.com](mailto:rbond@safewareinc.com)

Contract Specialist – J. Pun

ACS, Team 1 – J. Waysome-Tomlin

# County of Fairfax, Virginia



## MEMORANDUM

**DATE:** April 23, 2018

**TO:** Jamie Pun, Contract Specialist II  
Department of Procurement and Material Management

**FROM:** Kevin Burns, SAC Chair

**SUBJECT:** Recommendation for Award: RFP 2000002547, Public Safety and Emergency Preparedness Equipment and Related Services

Request for Proposal 2000002547, Public Safety and Emergency Preparedness Equipment and Related Services, closed on March 13, 2018 at 2:00 p.m. The Department of Procurement and Material Management (DPMM) distributed copies of the technical proposals to the four (4) Selection Advisory Committee (SAC) for review and evaluation. The SAC evaluation was based on the criteria cited in the RFP's Special Provisions, paragraph 16, entitled Basis for Award. A summary of the technical proposal evaluation can be seen below out of a possible 60 points:

• Safeware & Mallory	56.75
• Federal Resources	55.50
• TSSi	51.25
• WatchGuard	33.25
• Strack	29

The SAC requested the cost proposals for the top two (2) offerors for review and evaluation from the contract specialist. Pricing was evaluated using a market basket of most commonly ordered items. Mismatches and substituted items that were not comparable were removed from the analysis. The contract specialist distributed the copies to the SAC and the summary of the cost proposal evaluation can be seen below out of a possible 40 points.

• Safeware & Mallory	40 score
• Federal Resources	39.20 score

The composite scores of both the Technical and Cost Proposal can be seen below out of a possible 100 points:

• Safeware & Mallory	96.75
• Federal Resources	94.70

The SAC conducted phone interviews with each of the finalists, reviewing a list of clarification questions about their proposal with each one. After the written answers to these

clarification questions were received, each of the SAC members had the option to review their scores. No changes were made to the scoring matrix. It was determined at this point that Federal Resources had incorrectly priced their market basket items, providing additional discounting for market basket items, which resulted in their prices looking lower than they actually ~~were~~ proposed.

The SAC decided to enter into negotiations with the top two (2) offerors from the composite scores of the technical and cost proposal. The SAC chairperson forwarded the negotiations points and requested that negotiations be done in written form.

The SAC negotiation letters can be found in the file. Federal Resources was asked to reprice their market basket and each proposer was asked for their BAFO.

The SAC would like to recommend for award a single contract with Safeware & Mallory for all product categories in the RFP. The below lists characteristics of the proposals submitted by the top two (2) offerors.

- Safeware & Mallory
  - Comprehensive offering
  - Most advantageous pricing
  - Full nationwide coverage
  - Positive references
  - Ecommerce rebates
  - Volume rebates
  - Experience working with all types of agencies across the country
- Federal Resources
  - Comprehensive offering
  - Nationwide coverage
  - Pricing is not as competitive
  - Positive references
  - No rebates offered
  - Very little experience working with state and local governments

Thank you for your consideration in this matter. Please let me know if you have any questions.