Memorandum

MIAMI-DADE COUNTY

DATE:	July 21, 2009
TO:	Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners
FROM:	George M. Burgess County Manager Robert A. Cuevas County Attorney
SUBJECT:	Resolution to Advertise and Subsequently Award a Solicitation to Acquire Specialized Professional Services to Support the County in Negotiations with Sprint Nextel, Inc. for Rebanding of the County's 800 Megahertz (MHZ) Radio Communication Infrastructure

Agenda Item No. 14(A)(76)

Recommendation

It is recommended that the Board authorize advertisement of a solicitation to acquire specialized professional services, on an as-needed basis, to support negotiations between Miami-Dade County and Sprint Nextel Inc. in connection with the ongoing effort to reband the County's 800 MHz radio system. Permission is also requested for the Mayor or designee to subsequently award the resulting contract. This request is being made to allow the County to leverage specialized resources with extensive knowledge and experience in 800 MHz communications infrastructure, radio rebanding, and procedures and orders mandated by the Federal Communications Commission (FCC). These resources would bring a wealth of experience, including knowledge of related proceedings and positions that have been taken by the FCC with respect to specific arguments proffered by licensees. The additional resources are needed because of the size and complexity of the County's radio operation, including the need for interoperability among the different jurisdictions served by the County's radio systems.

Scope

The 800 MHz radio system supports all County operations (including police, fire, and transit operations) in addition to serving municipalities and state agencies in all Commission districts.

Fiscal Impact/Funding Source

This resolution has no fiscal impact on the County. Under the FCC order, Sprint Nextel is required to pay all costs associated with the negotiations process, including consulting services that are required by the licensees, up to the time when the FCC makes a ruling, if the parties do not reach agreement through mediated negotiations. In the event that the County requires additional consulting services that are not subject to funding by Sprint Nextel pursuant to the FCC order, additional authority will be requested from the Board for consideration and approval.

Track Record/Monitor

Angel Petisco, Interim Director of the Enterprise Technology Services Department (ETSD) in conjunction with the County Attorney's Office will monitor the contract and rebanding negotiation process.

Background

Miami-Dade County's radio systems support daily and emergency operations for both public safety and public service operations countywide. The Voice Radio Systems alone support 52 frequencies and over 81 million transmissions per year. This infrastructure also supports more than 30,000 radios used by both County and non-County agencies, making it one of the largest and most complex radio systems in the nation.

As the Board is aware, there have been issues of interference between public safety and private provider radio systems in the 800 MHz radio frequency bands. In an effort to eliminate these issues, on August 6, 2004 the FCC mandated that public safety users be relocated to a different frequency band away from the frequencies used by private commercial entities, in this case, Sprint Nextel. This requires that relocated public safety systems be reconfigured and reprogrammed (rebanded) to operate at the designated new frequencies. Licensees of the 800 MHz radio frequency band nationwide, including Miami-Dade County, must reconfigure their operations through a frequency swap with Sprint Nextel who will be required to pay the cost of reconfiguring the impacted public safety radio systems.

The FCC process is being conducted through a Transition Administrator (TA) who is responsible for coordinating the rebanding process and for system users to plan, negotiate and execute a Frequency Reconfiguration Agreement with the private subscriber. The FCC process comprises four distinct steps. The initial step is to develop a Planning Funding Agreement (PFA) with Sprint Nextel to support the reconfiguration of the 800 MHz radio communication infrastructure and for the Sprint Nextel and the County to enter into voluntary negotiations. If the parties fail to reach agreement on their own, they must enter into mediated negotiations. If mediation also fails to result in a successful agreement, the parties must each submit a Proposed Resolution Memorandum (PRM) for FCC consideration and ruling. Finally, if the FCC ruling is not satisfactory to either party, the procedures provide for arbitration.

On July 24, 2007 the Board authorized the execution of a Planning Funding Agreement (PFA) with Sprint Nextel to support the reconfiguration of the County's 800 MHz radio communication infrastructure. Miami-Dade County has been diligent in its efforts to comply with the FCC's mandate and meeting the requirements of the reconfiguration effort by working closely with Sprint Nextel and the TA. The parties did not reach agreement during voluntary negotiations and as a result, on October 2, 2008 the parties entered mediated negotiations. These negotiations are continuing but despite multiple meetings and discussions, no agreement has been reached to date. If no agreement is reached within the coming weeks, the mediator will transmit the matter with a recommendation to the FCC to conduct a new review of the rebanding proposals. To guide the mediator and the FCC in evaluating the positions of the competing parties in making their ruling, Miami-Dade County and Sprint Nextel will be required to separately submit PRMs addressing their respective positions.

Throughout the negotiations process, the County's position has been to ensure that the rebanding methodology results in the least amount of disruption given the public safety nature of the system. The rebanding methodology is the primary issue preventing the parties from reaching agreement. After many months of mediated negotiations and while the County is still hopeful that agreement can be reached, the County anticipates that the proceedings may move to the PRM phase within the next coming weeks.

Because the 800 MHz rebanding process is a one-time national occurrence, the County's team will be enhanced by utilizing expert resources that have national experience, and who have already participated in, and successfully negotiated rebanding agreements before the FCC. This specialized information is not readily available from other sources which limits the County's ability to gain access to in-depth knowledge of the claims and arguments made by particular licensees, FCC Orders, and the policies and procedures of the TA. The additional resources will be provided by qualified attorneys or legal firms who have previously participated in the rebanding proceedings. This experience will also be invaluable in assisting the County to effectively prepare for the difficult and time consuming PRM and other FCC processes. Time is of the essence, as the parties will only have ten (10) days to submit a PRM when asked to do so.

Staff research shows that over 90 jurisdictions, both nationwide and within the State of Florida, successfully engaged additional expertise to assist with their 800 MHz rebanding program. These include the states of Virginia, Ohio, North Carolina, Alabama, Florida and New York City, the City of Philadelphia and Kansas City. Within the state of Florida, Hillsborough and Brevard Counties have hired outside expertise for their programs as did the City of Tallahassee. Miami-Dade County's team can be augmented with the unique procedural expertise and services that have been successfully utilized by other jurisdictions.

Assistant County Manager

MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

DATE: July 21, 2009

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Agenda Item No. 14(A)(76)

Please note any items checked.

✓ **"4-Day Rule" ("3-Day Rule" for committees) applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Bid waiver requiring County Mayor's written recommendation**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

✓ **Housekeeping item (no policy decision required)**

✓ **No committee review**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 14(A)(76)
7-21-09

RESOLUTION NO. _____

RESOLUTION AUTHORIZING COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO ADVERTISE, AWARD AND EXECUTE A COMPETITIVE SOLICITATION FOR PROFESSIONAL SERVICES IN CONNECTION WITH THE REBANDING OF THE COUNTY'S 800MHZ RADIO SYSTEMS SUBJECT TO RATIFICATION BY THE BOARD

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that the County Mayor or County Mayor's designee is hereby authorized to advertise, award and execute a competitive solicitation for consulting services in connection with the rebanding of the County's 800Mhz radio systems subject to ratification by the Board. Any contract awarded through this resolution shall be presented to the Board at the next available meeting for ratification.

The foregoing resolution was offered by Commissioner ,
who moved its adoption. The motion was seconded by Commissioner
and upon being put to a vote, the vote was as follows:

Dennis C. Moss, Chairman
Jose "Pepe" Diaz, Vice-Chairman

Bruno A. Barreiro	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Barbara J. Jordan	Joe A. Martinez
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 21st day of July, 2009. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Oren Rosenthal