
TO: Michelle Butler, CPPO, Procurement Manager

FROM: Jennifer Schofield, NIGP-CPP, Senior Procurement Agent *Jennifer Schofield*

THROUGH: Delois Robinson, MBA, Procurement Manager *Delois Robinson* Digitally signed by Delois Robinson
Date: 2023.09.04
15:28:34 -04'00'

SUBJECT: Emergency – Jail Fire Alarm System Replacement, Contract 1151197

DATE: August 30, 2023

The P&C Department let this solicitation on behalf of the Sheriff's Office for the Jail Fire Alarm System Replacement. Awarded by the BOC on March 26, 2019, for an amount not to exceed \$2,234,000.00 with Smart Building Systems. Change Order No. 1 was approved on October 12, 2021 for a contract term extension through November 30, 2022.

During the course of construction, a number of issues including COVID outbreaks and a Monkey Pox outbreak delayed the project. There were also a number of issues related to staffing at the jail that delayed the contractor on a daily basis. In addition, there are a number of unforeseen existing conditions that were not detailed on the limited as-built documentation that was provided to the contractor during the process that include, over-crowded wiring pathways, damaged wiring, raceways and back boxes, missing fire alarm devices, as well as additional fire alarm devices present but not shown on the plans. These deficiencies must be addressed to ensure that the new fire alarm is compliant with the current life safety code. Unfortunately, while the aforementioned was being discussed to determine the appropriate course of action, the contract expired.

This request is for additional funds in the amount of \$1,114,560.00 for the completion of the project that would have been completed had the contract been extended through December 31, 2024.

Without this approval, the Jail would not have a functional, operating Jail Fire Alarm System. This presents a life, health, safety issue for all inmates, employees and visitors and could impair the essential function of the jail should it be shut down for not having a working Fire Alarm System. It is advisable to continue with the current vendor as they are the most knowledgeable of the current conditions of the jail.

I recommend approval of the Emergency request with Smart Building Systems for the completion of the Jail Fire Alarm System Replacement.



Department of Purchasing and Contracting
NON-COMPETITIVE PROCUREMENT REQUEST FORM

Requesting Department: Office of Sheriff
Department Contact Person: Carla Campbell Telephone: 404.398.8161
Email: ccampbell@dekalbcountyga.gov

Requisition Number: 18-300478 Suggested Supplier: Smart Bldg. Systems, Inc.
Estimated Amount of Purchase: 1,114,560
Detailed Description of the Goods or Services to be purchased: Completion of installation of fire alarm replacement in County Jail.

[X] Emergency (For Emergency Requests, Please check this box and answer all questions below.)

1. Date and Time of Emergency Occurrence:

2. Please state the nature of the emergency posing a risk to public health, welfare, safety or resources:

The jail is without a working fire alarm system. This will allow completion of work.

3. State how the Estimated Amount was determined to be Fair and Reasonable (attach supporting documentation):

See attached

[] Sole Source (Please check box and answer all of the following completely.)

1. Provide an explanation why the product, service or supplier requested is the only method that can satisfy the requirements. Please explain why alternatives are unacceptable. Be specific with regard to specification, features, characteristics, requirements, capabilities and compatibility. (Attach additional documents, if necessary):

2. Will this purchase obligate us to a particular vendor for future purchases? (Either in terms of maintenance that only this vendor will be able to perform and/or if we purchase this item, will we need more "like" items in the future to match this one?) Explain in detail.

3. Explain the impact to the County or Public if this request is not approved.

I hereby request that this non-competitive procurement request be approved for the purchase of the above stated work, material, equipment, commodity, or service.

Department Director (Typed/Printed Name): Temetris Atkins Signature: J. Atkins Date: 8/25/23

Do Not Write Below - for the Department of Purchasing and Contracting Use Only

Procurement Agent (Typed/Printed Name) Jennifer Schofield Signature: Jennifer Schofield Date: 8.30.2023

Procurement Manager (Typed/Printed Name) Delois Robinson Signature: Delois Robinson Date: 9/5/23

[] Approved [] Not Approved

* See below additional note

Signature: _____, Director, Department of Purchasing and Contracting Date: _____

P&C Rev. 12/13/2018

[] Approved [] Not Approved _____, Zachary L. Williams, Chief Operating Officer

Print Form



1456 McLendon Dr., Suite C
Decatur, GA 30033

404.474.1628 office
404.474.2747 fax
www.smartbldgs.com

July 3, 2023 (revised)

Mr. Oliver Hunter, Esq., Director
Administration Legal Affairs & Contract Compliance
DeKalb County Sheriff's Office
4415 Memorial Drive
Decatur, GA 30034

RE: **Change Order Request for Jail Fire Alarm Replacement** - [Smart Building Systems, Inc. -CPA 1151197]
RFP-18-500478

Dear Director Hunter:

Following up on our recent discussions and in-person meeting concerning a much-needed change order for the DeKalb County Jail Fire Alarm Replacement Project, this letter represents our formal written request to expedite a contract amendment/change order for the following items:

- Item 1: Removal of Contract Time and Liquidated Damages
- Item 2: Additional funding in the amount of \$1,114,560 in order to complete the project.

Item 1: Removal of Contract Time and Liquidated Damages

We are requesting that our current contract be amended to remove both the stated contract time and liquidated damages.

The unpredictable nature of work at the jail makes liquidated damages inappropriate for a project of this scope and magnitude. This project has faced multiple delays and work stoppages due to both the Corona Virus Pandemic and the Monkey Pox outbreak.

Work in a secure facility, like DeKalb County Jail, requires our team members to be escorted at all times. It also requires that inmate areas be vacant before our team can work. Access to certain areas requires special keys that our escorts do not carry and must retrieve. This can take a significant amount of time on any given day. The most significant factors affecting the schedule and our ability to accelerate the pace are:

- a) Constrained ability to move freely through the jail which is exacerbated by a limited number of escorts and delayed access to certain areas.
- b) Challenges relocating inmates to free up new areas of work and the inability to work in multiple areas simultaneously.
- c) An inability to work evening and/or weekend shifts to compress the current schedule.

These constraints prevent us from unilaterally taking actions to accelerate the pace of the installation. They will also prevent us from completing the project within the current contract period.



Item 2: Additional funding in the amount of \$1,114,560 in order to complete the project.

We are requesting a change order to increase the contract amount by \$1,114,560.

We continue to find unexpected existing conditions as our installation progresses. This is despite a high level of due diligence prior to the start of the project. The existing fire alarm infrastructure is vastly different from what is shown on the jail's limited set of as-built documentation in many areas. Some existing infrastructure is physically damaged which further slows the new installation.

During our in-person meeting, we provided details via a slide presentation outlining the reasons for the added costs. We summarized these reasons as follows:

1. Working Constraints/Speed of Progress/Unforeseen Delays	\$390,440
2. Unforeseen Existing Conditions	\$534,920
3. Historic Inflation	\$189,200
TOTAL	\$1,114,560

Working Constraints/Speed of Progress/Unforeseen Delays – As covered above, there are many constraints that limit the speed of progress for this project. Our cumulative rate of progress since the installation began is approximately one-third of what we believed possible when proposing on this project. As a result, our labor costs are significantly higher than we projected because each task takes much longer than anyone anticipated. Some of the factors that impact the speed of progress (in addition to health-related work stoppages) include limited mobility, availability of escorts (officer staffing), availability of keys, movement of inmates, and even other construction/maintenance projects taking place simultaneous to the fire alarm installation. The majority of the work completed to date has been in inmate housing areas on the upper levels of the jail. The layout of these levels is somewhat consistent. As we progress through the lower levels of the facility, the layouts vary significantly. This introduces additional uncertainty in the working constraints and the speed of future progress.

Unforeseen Existing Conditions – Approximately half of our proposed change order is related to unforeseen existing conditions at the facility.. Examples include over-crowded wiring pathways, damaged wiring, raceways, and back boxes, missing fire alarm devices, as well as additional fire alarm devices present, but not on the provided plans. These conditions could not be observed during the pre-proposal site visits and are being discovered as the installation progresses. These problems are due in part to either missing or inaccurate as-built drawings. These deficiencies must be addressed to make the new fire alarm compliant with the current life safety code.

Historic Inflation – We are currently experiencing historically high inflation levels that directly impact this project's costs. Our average material costs have increased by 17% since this project was initiated. Labor rates are also at historically high levels. These cost of labor is exacerbated by limited mobility and the slower pace of installation progress at a secure facility like DeKalb County Jail.



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Combined with our previous discussions and documentation, we hope that this formal request clearly outlines the needs and justifications for our requested change order.

We thank you for your consideration.

Sincerely,

Christopher Richard, President

CC: Chief Temetris Atkins, DKSO
Colonel Patravious Long, DKSO
Ms. Tamara J. Solomon, DKSO
Ms. Michelle N. Butler, DeKalb County Purchasing & Contracting
Mr. Joe Konenkamp, Century Fire Protection

***Additional Note: Per Procurement Team, in addition to the dollars requested, the vendor requested the removal of existing contract terms, specifically the liquidated damages clause. P&C confirmed with Director Hunter that the contract entered was expired and that this would not be a change order, but an emergency request. P&C further confirmed that the Sheriff's Office would not seek to claim any liquidated damages or claims from the vendor under the now expired contract. ***