



**MULTI AGENCY COMMUNICATIONS CENTER**  
911 Emergency Communications

**Special Board Meeting**  
**August 2<sup>nd</sup>, 2022**

**LOCATION:**

Darrin Smith Executive Board Room  
208 S. Hamilton Rd, Moses Lake WA. 98837

**Members Present at this meeting:**

<b>Name</b>	<b>Department</b>	<b>Called In</b>
Jeremy Burns	Ephrata Fire Department	<input checked="" type="checkbox"/>
Dwight Vander Vorste	Grant County Fire Commissioner Royal Slope Fire Rescue	
Keith Siebert	Quincy Police Department	
Ryan Rectenwald	Grant County Sheriffs Office	<input checked="" type="checkbox"/>
Kris Shuler	City of Warden	<input checked="" type="checkbox"/>
Kevin Fuhr	Moses Lake Police Department	

**Guests Present at this meeting:**

<b>Name</b>	<b>Department</b>	<b>Called In</b>
Katherine Kenison	Basin Law Offices	
D.T. Donaldson	MACC 911	
Gerrit Klein	MACC 911	
Ryan Green	Quincy Police Department	
Martha Chavez	National Public Safety Group	<input checked="" type="checkbox"/>
Buck Mims	National Public Safety Group	<input checked="" type="checkbox"/>

**Approval of Minutes**

Not applicable

Special Board Meeting was called to order by Chief Burns at 13:13 hours.

**Unfinished Business**

**Public Safety Software Vendor Selection**

Over the course of the past month, National Public Safety Group, Basin Law Offices and MACC 911 has been in contract negotiations with 365Labs to provide our next public safety software system. As of yesterday, 365Labs and MACC 911 have opted to end negotiations in order to present a contract to the MACC 911 Board of Directors. This special meeting is being held to determine if the MACC Board of Directors is ready to sign the contract "as is," or if negotiations need to resume. The contract, in its final form was displayed for the Board to see, and documentation from National Public Safety Group was given to board members.

Chief Burns began by asking National Public Safety Group their thoughts on moving forward with 365Labs. Buck Mims provided an overview of the document circulated to the board members. Buck believed there were some items in the contract that were not necessarily favorable to MACC, to wit: a.) Convenience cancellation clause was taken out of the contract midway during negotiations without being "red lined" for review; b.) 365Labs was not willing to offer product liability coverage. Buck pointed out that he was very concerned that 365Labs was not able to produce what they promised during their demonstrations.

D.T. was then asked about the National Public Safety Group report. D.T. stated that National Public Safety Group did a great job for MACC during the contract negotiations. National Public Safety Group was able to negotiate access to all of the 365Labs modules – at reduced price or, in many cases, for free. National Public Safety Group was also able to negotiate a site license for MACC 911 and our customers. D.T. advised that National Public Safety Group was able to successfully negotiate in a convenience cancellation cause post twenty-four months of signing the contract and warrant product liability. D.T. advised the board that 365Labs is a newer company, with new technology that requires a more flexible approach.

Chief Fuhr expressed having concerns about signing on with a “startup” company. Chief Fuhr also expressed that he felt that the technology platform of 365Labs was unproven. D.T. stated that 365Labs had multiple deployments in Louisiana, with no full suite solutions deployed at this time. D.T. advised the board that he felt the bigger concern was not going toward a cloud native solution. Chief Fuhr pointed out that the City of Moses Lake had recently acquired a cloud software solution for finance and that it has been nothing but a problem, and the city is not able to cancel it. Chief Fuhr believed it was safer to stay with Motorola Flex (Spillman) until the 365Labs technology further developed.

Chief Siebert stated he felt the opposite of Chief Fuhr. Chief Siebert felt that the risks of maintaining our Motorola Flex system were greater than moving onto a new solution. Chief Siebert felt that there are always risks when moving to new software. Chief Fuhr advised that 365Labs did not seem to have proven technology, and did not MACC to be the place for them to prove the technology. D.T. advised the board that we will be required to maintain our Motorola Flex (Spillman) system through 2023 and if something egregious did happen, we would still have access to our existing system. Chief Siebert also stated MACC would have a cancellation with cause guarantee if we needed to invoke it.

Chief Burns stated that he, and other users have seen the demonstrations and believe the technology and software platform are cutting edge, but ready to be used. Chief Burns pointed out that 80% of all internet traffic originates from smart cellular devices. Chief Burns stated we need a platform that will interact with the direction technology is going.

Chief Siebert asked how many companies are leveraging this technology in public safety. D.T. advised that there were only five or six. D.T. also added that National Public Safety Group have seen multiple other companies (not 365Labs) fail while deploying the new systems. D.T. also stated that the speed of development in the cloud space is unsurpassed in comparison to legacy systems (like Motorola Flex). D.T. advised that 365Labs was able to make system enhancements in weeks, not years. Chief Fuhr stated that he wished the technology was more developed and mainlined and that we were having this conversation in a few years, not today. Chief Fuhr stated if we fail with rolling this out, [the MACC board] would be on the hook [for the failure]. Chief Siebert stated that the cancellation with cause guarantee would be sufficient in providing MACC 911 the protection we needed. Chief Siebert advised us that everything was cloud native these days, and questioned how long Motorola Flex (Spillman) had left.

The board then asked Katherine for her assessment. Katherine advised the board the liability coverage had changed from the last meeting and stated that was why she didn’t approve of D.T. signing off on the contract. Katherine stated that 365Labs was a startup company and had concerns. Katherine stated that the company’s CEO had concerns about product liability and did not want to assume the risk of his product failing. Katherine stated that there was going to be a lot of work required to get the system on line and that we had no way to predict the outcome. Katherine stated that 365Labs offered a 90-day limited warranty and we had to negotiate patent and Infringement language limited to 3<sup>rd</sup> parties, not MACC. Katherine also stated that insurance was reduced to line up with the original RFP response from 365Labs. Katherine stated that the product rollout did not have sufficient benchmarks and warned that there was a potential for us to go twenty-four months with no work being completed.

Chief Siebert asked if this was the “final” contract. D.T. stated we believed that this was a final contract, but we would be open to continue negotiations if we had too. D.T. also pointed out the benchmark is our go live and that there are liquidated damages built into a prolonged go live. Katherine asked what would happen if we couldn’t agree on a go live date. Buck advised the board that there is a sixty-day discovery period per the RFP and within ninety days of contract signing a go live strategy must be approved. Buck stated that he would prefer pay for progress of software, versus pay for time elapsed. D.T. stated that 365Labs was open to such things provided we pay up front. D.T. stated that 365Labs, in order to be a successful software as a solution, need for us to have greater investment in the product. Katherine stated that she agreed with Buck and would like to see payments be made dependent upon project completion, not time elapsed.

Chief Siebert asked Gerrit for his opinion. Gerrit advised the board that our Motorola Flex (Spillman) system is built utilizing unsupported technology – Motorola cannot support the backbone of Spillman as they no longer employ programmers who can program the system. Gerrit advised the MACC board that if we were to hold off on this, even another year, that we would need to start making capital investments (new servers) in the obsolete technology – and even then, we were at risk. Gerrit then explained that

Motorola has kept trouble tickets, placed by himself, open for months. Recently, Gerrit submitted a trouble ticket for a crossmatch interface at the Grant County Jail and it took in excess of six weeks to get resolved – by a regional Spillman technician, not Motorola support. Gerrit recommended to the MACC board to move forward with 365Labs and sign the contract.

Sheriff Rectenwald pointed out that there was a committee formed to look at this technology, as well as other options in the market. Sheriff Rectenwald asked how the “CAD Committee” felt about this decision. Gerrit advised Sheriff Rectenwald that all CAD committee members wished to pursue 365Labs and that the only vote for another vendor came from a non-CAD committee member. Gerrit advised that, of the votes he received from the CAD Committee, all were in favor of 365Labs.

D.T. advised the board that, with Katherine’s counsel and National Public Safety Group’s work, MACC was ready to accept the risk of implementing new cloud native software with a new company. D.T. advised the MACC board that the CEO of 365Labs has already grown one startup company into a multi-million dollar business. D.T. pointed out that 365Labs is a new company dealing with new technology. 365Labs has Louisiana deployments that have been established for the last two years, and the company is now ready to grow. D.T. stated that MACC did research, checked with existing customers and have received glowing reviews of the software platform. D.T. recommended to the MACC board to move forward with 365Labs and sign the contract.

Commissioner Vander Vorste made the motion to sign the contract committing to 365Labs. Chief Keith Siebert seconded the motion. At 14:07 hours the MACC Board of Directors voted, as follows:

<b>Yes</b>	<b>No</b>
Chief Jeremy Burns	Chief Kevin Fuhr
Commissioner Dwight Vander Vorste	
Sheriff Ryan Rectenwald	
Kristine Shuler	
Chief Keith Siebert	

At 14:08 hours, the MACC Board of Directors approved the signing of the contract with 365Labs. Commissioner Dwight Vander Vorste signed the contact on behalf of the MACC board.

**Agenda Items for Next Time**

Not applicable

**Next Meeting Date**

The next Board of Directors Meeting will be held on August 11<sup>th</sup> 2022 at 09:00 hours.

**Adjournment**

Chief Jeremy Burns adjourned the meeting at 14:08 hours.