



Interoffice Memorandum

AGENDA ITEM

January 3, 2017

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners

FROM: Kurt N. Petersen, Manager, Office of Management and Budget *K.N.P.*

SUBJECT: Consent Agenda Item for January 24, 2017
Lenco BearCat G3 Armored Vehicle Purchase
Orange County Sheriff's Office Request

The Orange County Sheriff's Office is requesting approval to purchase a Lenco BearCat G3 armored vehicle, utilizing \$303,540 from the Department of Justice Asset Forfeiture funds.

Pursuant to Federal Executive Order No. 13688, this type of vehicle is listed on the "Controlled Equipment" list and, therefore, the law enforcement agency must certify the civilian governing body has had an opportunity to review the application prior to submission.

ACTION REQUESTED: Approval for the Orange County Sheriff's Office to purchase a Lenco BearCat G3 armored vehicle, utilizing \$303,540 from the Department of Justice Asset Forfeiture funds.

KP/RW/vh

Attachments

c: Eric Gassman, Deputy County Administrator
Randy Singh, Assistant County Administrator
Andy DiLoreto, Comptroller, Orange County Sheriff's Office



Sheriff Jerry L. Demings
ORANGE COUNTY SHERIFF'S OFFICE
INTEROFFICE MEMORANDUM

December 29, 2016

TO: Mayor Teresa Jacobs
Board of County Commissioners

FROM: Jerry L. Demings
Sheriff of Orange County

SUBJECT: Equitable Sharing Asset Forfeiture Equipment Purchase - Lenco BearCat
(Ballistic Engineered Armored Response Counter Attack Truck)
CONSENT AGENDA ITEM

The Orange County Sheriff's Office is requesting approval to purchase a Lenco BearCat armored vehicle with Asset Forfeiture Funds. Pursuant to *Executive Order 13688*, this type of vehicle is listed on the "Controlled Equipment List" and, therefore, the law enforcement agency must certify the civilian governing body has had an opportunity to review the application prior to the submission.

Attached is the detailed application/justification that will be submitted to the Department of Justice along with other pertinent information relating to this acquisition.

Thank you for your assistance in this matter. If you have any questions, please contact Andy DiLoreto, Comptroller, at (407) 254-7135 or me.

A handwritten signature in dark ink, appearing to be "J.L.D.", written over a horizontal line.

J.L.D.

Attachments

MODIFICATIONS. LEAs may not modify equipment acquired using Federal resources that would cause it to be considered prohibited equipment, or, absent specific approval from the Federal agency and adherence to all relevant requirements, controlled equipment.

POLICIES, TRAINING, AND PROTOCOLS FOR CONTROLLED EQUIPMENT

MODEL POLICIES AND DEFINITION OF POLICY GUIDELINES.⁸ DOJ has provided funding to a group led by the International Association of Chiefs of Police (IACP), in partnership with the National Tactical Officers Association and the Commission on Accreditation for Law Enforcement Agencies, to provide more detailed definitions for the General Policing and Specific Controlled Equipment Standards and to develop model policies. The IACP-led group has consulted a number of subject matter experts during this process and has produced the detailed definitions, which the Working Group has accepted.⁹ Each Federal agency-member of the Working Group will ensure that applicants are made aware of the detailed definitions, as well as the other recommendations in the Report and Update, through normal agency guidance and processes. The model policies will be available at the end of Calendar Year 2015.

RESPONSIBILITY OF ACQUIRING LEA. LEAs are responsible for ensuring that whoever uses controlled equipment acquired by the LEA through Federal resources adheres to the LEA's relevant policies or the regional sharing agreement, regardless of whether the user is employed by that LEA.

ACQUISITION PROCESS FOR CONTROLLED EQUIPMENT

CIVILIAN GOVERNING BODY REVIEW.¹⁰ The Working Group has amended this requirement for LEAs where the chief executive is popularly elected (e.g., Sheriffs). Such LEAs must provide official written notice to – but are not required to obtain approval from – their civilian governing body at least 30 days in advance of any application to acquire controlled equipment from the Federal Government. This change takes into account the fact that popularly-elected heads of LEAs are directly accountable to their community-constituency.

"REASONABLE OPPORTUNITY" FOR CIVILIAN GOVERNING BODY REVIEW.¹¹ A reasonable opportunity for a civilian governing body to review an LEA's application for controlled equipment is 30 days. Thus, an LEA in its application must certify that (1) the civilian governing body explicitly approved of or concurred in the LEA's acquisition of the controlled equipment listed in the application, or (2) it provided formal written notice to the civilian governing body at least 30 days prior to the submission of the application of its intent to acquire the specified controlled equipment and has not received disapproval or non-concurrence.

⁸ Report, p. 20.

⁹ Appendix.

¹⁰ Report, p. 28, Recommendation 3.1.

¹¹ Id.

Executive Order = 13688



Sheriff Jerry L. Demings
ORANGE COUNTY SHERIFF'S OFFICE
TELEPHONE: 407.254.7000 ♦ P.O. BOX 1440, ORLANDO, FLORIDA 32802-1440 ♦ WWW.OCSO.COM

December 13, 2016

Department of Justice
Asset Forfeiture and Money Laundering Section
afmls.aca@usdoj.gov

RE: Controlled Equipment Pursuant to Executive Order 13688
Acquisition of Lenco BearCat G3 Armored Vehicle

To Whom It May Concern:

The Orange County Sheriff's Office is requesting approval to purchase one Lenco BearCat G3 armored vehicle through the Department of Justice, Asset Forfeiture funds. Below is justification for the need to purchase the Lenco BearCat.

1. A general description of the requesting agency, including number of sworn officers and population of the community the agency serves.

1513 Sworn Authorized Officers

1,252,396 Population in addition to 66 million visitors to the Central Florida region

2. A detailed justification for supporting the controlled project and/or acquiring the controlled items, including a clear and persuasive explanation of the need for and appropriate criminal justice purpose that it will serve. (If applicable, please describe any previous instance in which the controlled item was used in a manner that deviated from the detailed justification supporting the application for that equipment.);

The Orange County Sheriff's Office SWAT Team is the Primary Specialty Response Team for the nine (9) counties in the Region 5 Domestic Security Task Force (RDSTF). The purpose of the forfeiture request is to purchase an updated, improved, and more reliable armored rescue vehicle due to the life expectancy of the current 2006 Lenco BearCat. The 2006 Lenco BearCat was purchased with 2004 Urban Area Security Initiative (UASI) grant funds. Although we will continue to utilize the 2006 BearCat, the new BearCat will be the primary transport vehicle for the team during critical incidents. Two armored vehicles can safely deliver the entire team to/from an on-going critical incident or multiple critical incidents occurring simultaneously. Two armored vehicles provide additional transport of endangered/injured law enforcement and/or civilian personnel during a critical incident such as an active shooter/mass shooting event (or allows one cover/blocking vehicle while the other conducts evacuation). Additionally, when one armored vehicle is inoperable due to maintenance, etc., SWAT will still have the capability to respond to an incident with armored protection.

During the Orlando Pulse incident, Orlando Police Department (OPD) received a callout and the Orange County Sheriff's Office (OCSO) responded to the callout in order to allow



The First Law Enforcement Agency
in Orange County to Receive Both
International and State Accreditation



OPD to remain at the critical incident site. The two BearCats would allow the team to be at two independent locations simultaneously. With the recent Pulse incident, along with the growth of the county especially in domestic and international visitors, our community is a vulnerable target for terrorist organizations and/or Homegrown Violent Extremists (HVE). The ability to respond to multiple locations with armored assets is more imperative than ever.

3. The number of units of the requested controlled item(s) that are currently in your agency's inventory;

One 2006 Lenco BearCat

4. Categories of other controlled equipment acquired through Federal programs during the past three (3) years that the requesting agency currently has in its inventory;

N/A

5. Whether the requested controlled equipment currently could reasonably be accessed through loans or mutual assistance or mutual aid agreements;

No, we are the primary response team for RDSTF which requires us to respond with the specialized equipment and trained team to an incident.

6. Certification (written assurance) that the requesting agency has adopted required protocols (see Recommendation 2.1: Agencies that acquire controlled equipment through Federal programs must adopt robust and specific written policies and protocols governing General Policing Standards and Specific Controlled Equipment Standards) or will adopt those protocols before physical acquisition or purchase of controlled equipment or transfer of funds;

Special Orders (SO) 067.0-SWAT Procedures, page 14

7. Certification (written assurance) that the requesting agency has provided required training (see Recommendation 2.2: Agencies that acquire controlled equipment through Federal programs must ensure that its personnel are appropriately trained and that training meets the specified requirements) or will provide that training before physical acquisition or purchase of controlled equipment or transfer of funds;

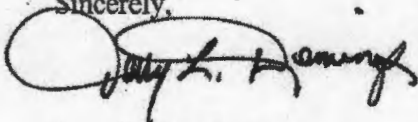
Special Orders (SO) 067.0-SWAT Procedures, page 14

8. Evidence of civilian governing body's review and approval or concurrence (if the agency's Chief Law Enforcement Officer is not an elected official) of the requesting agency's acquisition of the requested controlled equipment. If the agency's Chief Law Enforcement Officer is an elected official (e.g., Sheriff), the agency must provide official notice (at least 30 days prior to purchase) to, but is not required to obtain approval from, its civilian governing body.

See Attached

9. Whether the requesting agency has applied, or has a pending application(s), for this type of controlled equipment from another Federal agency during the current fiscal year;
No pending application(s) of this type of controlled equipment from another Federal agency during fiscal year 2017.
10. Whether any prior application for controlled equipment has been denied by a Federal agency during the past three (3) years, and, if so, the reason for the denial; and
No.
11. Whether the requesting agency has been found to be in violation of a Federal civil rights statute or programmatic term during the past three (3) years and, if so, whether any disposition was reached or corrective actions were taken.
No.

Sincerely,



Jerry L. Demings
Sheriff of Orange County

JLD/tlm
Enclosure(s)



U.S. Department of Justice

Criminal Division

Asset Forfeiture and Money Laundering Section

Washington, D.C. 20530

**LAW ENFORCEMENT AGENCY REQUEST TO PURCHASE
"CONTROLLED EQUIPMENT" PURSUANT TO
EXECUTIVE ORDER 13688**

AGENCY NAME: Orange County Sheriff's Office

AGENCY CONTACT: Andy DiLoreto

ADDRESS: 2500 W. Colonial Drive

CITY: Orlando

STATE: FL

PHONE: 407-254-7135

EMAIL: andy.diloreto@ocfl.net

ITEM NAME	QUANTITY
Manned Aircraft, Fixed Wing	
Manned Aircraft, Rotary Wing	
Unmanned Aerial Vehicles	
Armored Vehicles, Wheeled	1
Tactical Vehicles, Wheeled	
Command and Controlled Vehicles	
Riot Batons	
Riot Shields	
Breaching Apparatus	
Explosives and Pyrotechnics	
Specialized Firearms and Ammunition under .50-Calibur, and less lethal launchers	

***NOTE: The Controlled Equipment Justification Letter must accompany this request.

The Chief Law Enforcement Officer, by signing, certifies that the requesting agency listed above will abide by, and has satisfied all of the requirements for the purchase of, Controlled Equipment as set forth in the Recommendations Pursuant to Executive Order 13688 (May 2015). The Chief Law Enforcement Officer certifies that all information contained herein is true and accurate to the best of his or her belief.

Chief Law Enforcement Officer: Jerry L. Demings, Sheriff Date: 12/16/14

PRINTED NAME

Jerry L. Demings

SIGNATURE



PURCHASE REQUISITION

45951

ORANGE COUNTY SHERIFF'S OFFICE

Vendor: Lenco ARMORED VEHICLES
10 BETNR INDUSTRIAL DRIVE

PITTSFIELD
MA 01201

Attention:

Ordering Org: HRIC

Deliver To: Material Control and Supply
2500 West Colonial Dr.
Orlando, FL 32804

Mark For: Nadine Erickson 4-7013

Special Instructions:

Req Total \$303,540.00

Line	Contract No.	F.O.B.	Terms	Fund	Org.	Object	Amount
				19			\$303,540.00

Line	Qty	Unit	Object	Material or Service	Unit Cost	Total Cost
	1	Each		Lenco BearCat G3 Vehicle	303,540.00	\$303,540.00
				See Attached quote # 13295D		

12/13/2016

Date

HRIC

Division/Section Commander

Captain Todd Payne

Sheriff/Under Sheriff

Sheriff Jerry L. Demings

PURCHASING: ☐ Approved ☐ Disapproved

Purchasing Official: _____ Date: _____ Purchase Order No. _____

Vendor No.: _____ Shipping Code: _____ Buyer: _____



Protecting Our Nation's Defenders™

10 Bettr Industrial Drive - Pittsfield, MA 01201
PH (413) 443-7359 - FAX (413) 445-7865

Quotation 13295D

Quotation Date: November 21, 2016
Lenco Tax ID#: 04-2719777

OR006 Orange County Sheriff's Office 2200 W Colonial Drive Orlando, FL 32804	F.O.B.: Origin, Pittsfield, MA
	Ship Via: Customer Pick Up
	Payment Terms: Payment Upon Pick Up
	Estimated Completion: 210 - 240 Days ARO
	Inspection & Acceptance: At Lenco's Facility, Pittsfield, MA

Terms and Conditions: 1) Transfer of Vehicle Certificate of Origin to New Owner Done Upon Receipt of Payment in Full. 2) Lenco Does Not Collect Tax or Register Vehicles with DMV. 3) Cooperative Purchasing available under Lenco's GSA Contract # GS-07F-169DA or the 122 Program. 4) Acceptance of this Quotation or entering into a purchase agreement with Lenco, the purchaser agrees to Lenco's full Terms and Conditions of Sale, available upon request.

Item:	Product #	Commercial	Net Price
Lenco BearCat (4WD, Rotating Hatch, Counter Balanced)	BC55003	\$209,255.79	\$198,793.00
US State Department Armor Level E			
Options:			
Diesel Engine, 6.7L Turbo	BCDLEN	8,557.89	8,130.00
BearCat G3 4-Wheel Off-Road Upgrade Pkg w/Run-Flats	BC3WOFFRD	38,797.89	34,958.00
4-Door Configuration	BC4DR	8,271.58	7,858.00
Rear Independent A/C Heating System-High Capacity	BCAC-IND	10,200.00	9,763.00
Thermal Image & Color Camera w/Flat Screen Color Monitor	BCFI	30,225.26	28,714.00
Front Mounted Receiver with Ram Post and Plate	BCFRAM	4,735.79	4,499.00
Hydraulic Ram Upgrade	BCHYDRAM	5,768.42	5,480.00
Extreme Heat Reducing Insulation and Sound Reduction Pkg	BCEXHT	2,151.58	2,044.00
Back up Camera System with Monitor	BCBU	2,417.89	2,297.00
(1) Roof Mounted Remote Control Spot Lights	BCRCSL	1,058.84	1,004.00
Net Savings		\$319,438.93	\$303,540.00
Total Cost of (1) Lenco BearCat FOB Origin, Pittsfield, MA			\$303,540.00

Specifications Subject to Change

PROPRIETARY

WARNING: Information Subject to Export Control Laws

The technical data in this document is restricted by the Arms Export Control Act (Title 22, U.S.C., Sec 2751, et seq.) or the Export Administration Act of 1979, as amended, Title 50, U.S.C., App. 2401 et seq. and which may not be exported, released or disclosed to non-U.S. persons (i.e. persons who are not U.S. citizens or lawful permanent residents ["green card" holders]) inside or outside the United States, without first obtaining an export license. Violations of these export laws are subject to severe civil, criminal and administrative penalties.

THE WRITTEN APPROVAL OF THE DIRECTORATE OF US DEFENSE TRADE CONTROLS AND LENCO INDUSTRIES, INC. MUST BE OBTAINED BEFORE RESELLING, TRANSFERRING, TRANSSHIPPING, OR DISPOSING OF A DEFENSE ARTICLE TO ANY END USER, END USE OR DESTINATION OTHER THAN AS STATED ON THIS LENCO QUOTE OR THE SHIPPER'S EXPORT DECLARATION IN CASES WHERE AN EXEMPTION IS CLAIMED UNDER THIS SUBCHAPTER 123.9(A).

WE ARE PLEASED TO SUBMIT THE ABOVE QUOTATION FOR YOUR CONSIDERATION. SHOULD YOU PLACE AN ORDER, BE ASSURED IT WILL RECEIVE OUR PROMPT ATTENTION. THIS QUOTATION IS VALID FOR 30 DAYS. THEREAFTER, IT IS SUBJECT TO CHANGE WITHOUT NOTICE.

ACCEPTANCE OF PROPOSAL - The above prices are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

LENCO INDUSTRIES, INC.

Authorized
Signature:

Please sign and return

Sheriff Jerry L. Demings

Authorized
Signature:

James J. Massery

Thank You

