



FIRST ALARM SECURITY & PATROL, INC.

CORPORATE OFFICE Santa Cruz County Service Area

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North Bay Service Area

6555 HUNTER DRIVE, SUITE 7
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(707) 836-1110

San Mateo Service Area

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(650) 938-1110

South Bay Service Area

2365 PARAGON DR., SUITE E
SAN JOSE, CA 95131
(408) 364-1110

Gilroy/Hollister Service Area

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GILROY, CA 95020
(408) 848-1129

Salinas/Monterey Service Area

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SALINAS, CA 93906
(831) 758-1110

www.firstalarm.com

LICENSE # PPO11167
LICENSE # ACO1277



January 19, 2010

GOLDEN GATE BRIDGE
HIGHWAY AND
TRANSPORT DISTRICT
2010 JAN 21 AM 11:13

SECRETARY OF
THE DISTRICT

VIA E-MAIL AND HAND DELIVERY

Ms. Janet S. Tarantino
Secretary of the District
Golden Gate Bridge, Highway and Transportation District
Administration Building
Golden Gate Bridge Toll Plaza
San Francisco, CA

Re: **Protest to Recommended Award**
RFP No. 2010-MD-3 to Barbier Security Group

Dear Ms. Tarantino,

First Alarm Security & Patrol, Inc. ("FASP") respectfully submits its protest to the Building and Operating Committee's recommendation to the Board of Directors authorizing award of RFP No. 2010-MD-3, Security Guard Services for the Bus and Ferry Facilities ("RFP"), to Barbier Security Group, San Rafael. FASP makes this protest in good faith on the following initial grounds:

Barbier Security Group Is Not the Lowest Proposal

Barbier Security Group's ("BSG") proposal of \$475,514.00 for the two-year service period is not the lowest proposal submitted. Paragraph 9 of the RFP provides, in pertinent part, that the "...award of the contract, if awarded, will be made to the lowest responsible proposer whose Proposal complies with the requirements prescribed and whose qualifications are satisfactory to the District."

FASP's pricing model is lower than the BSG's. Because FASP's pricing model is, on its face, lower than BSG's; BSG's price is not the lowest proposal and its proposal should be considered on that basis.

Barbier Security Group Lacks Requisite Experience

Paragraph 1.7 of the Special Provisions of the RFP, provide in pertinent part, that "Each Proposal must submit with the Proposal the attached Proposer's Statement of Qualifications and Business References including at least five (5) work references for whom the Proposal is **currently performing security guard services, or for whom the Proposal has successfully performed such services within the last twelve months.** At least two (2) of the references shall be entities for whom the Proposal has **performed security guard services for a period of at least twelve (12) consecutive months.**" [Emphasis added.]

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FASP contends that BSG does not meet the RFP's experience requirement.

The Bureau of Security & Investigative Services ("BSIS") (the licensing authority for California security guards and private patrol operators) publishes licensing status on its website located at: <http://www.bsis.ca.gov>. BSIS shows that it issued to BSG (CEO Evan Barbier), a private patrol operator license on December 8, 2009, under PPO 16508. Exhibit 1. The Golden Gate Bridge, Highway and Transportation District ("District") published the RFP on October 20, 2009. At October 20, 2009, BSG did not possess a private patrol operator license. Under California licensing regulations, BSG could not have commenced security work until after December 8, 2009, making it logistically impossible for BSG to meet the experience requirement of the RFP.

Further, records show that BSIS has never issued to Evan Barbier a security guard card. Accordingly, Mr. Barbier could not have met the field experience requirement for licensure which is, at least 2000 hours of field experience as a licensed California security guard. As demonstrated, serious experience deficiencies may exist to disqualify BSG as a responsible proposer.

Barbier Security Group's Alleged Regulatory Violations

A current employee of BSG, Nathaniel Davidson ("Davidson"), applied for a security guard position with FASP late last week. Davidson alleges that BSG hired him on 11/14/2009 and assigned to him work on 11/16/2009. Davidson alleges that he presented an invalid, lapsed security guard card when he applied to BSG. Davidson alleges that notwithstanding his unlicensed status, BSG hired and assigned him to three client sites, and failed to provide to Davidson any kind of marked clothing or uniform as identification with the exception of a logo baseball cap.

Business & Professions Code §7580 et seq. provides that uniformed employees of private patrol operators must possess and carry with them at all times on duty, a valid California security guard card. If Davidson's allegations are true, the failure to meet California's security guard statutes renders BSG at minimum, negligent; and, subject to disqualification under the qualifications portion of the RFP.

Further, Business & Professions Code §7582.26, et seq. provides in pertinent part that, "A private patrol licensee or officer, director, partner, manager, or employee of a private patrol licensee wearing a distinctive uniform shall wear a patch on each shoulder of his or her uniform that reads "private security" and that includes the name of the private patrol company by which the person is employed or for which the person is a representative and a badge or cloth patch on the upper left breast of the uniform. All patches and badges worn on a distinctive uniform shall be of a standard design approved by the director and shall be clearly visible. The

Ms. Janet S. Tarantino
January 19, 2009
Page -3-

director may assess a fine of two hundred fifty dollars (\$250) per violation of this subdivision." If Davidson's allegations are true, the failure to meet California's security guard statutes renders BSG at minimum, negligent; and, subject to disqualification under the qualifications portion of the RFP.

Because of the foregoing, FASP respectfully protests the award of RFP No. 2010-MD-3, Security Guard Services for the Bus and Ferry Facilities to Barbier Security Group; and reserves the right to update grounds attendant to this protest as information is received.

Respectfully submitted,

FIRST ALARM SECURITY & PATROL, INC.


Teresa Huerta Larkin
Chief Administrative Officer

*Department of Consumer Affairs
Bureau of Security and Investigative Services*

BUREAU OF SECURITY AND INVESTIGATIVE SERVICES

Licensee Name:	BARBIER SECURITY GROUP
License Type:	Private Patrol Operator
License Number:	16508
License Status:	CLEAR <u>Definition</u>
Expiration Date:	December 31, 2011
Issue Date:	December 08, 2009
City:	SAN RAFAEL
County:	MARIN
Actions:	No

Business Owners

No records returned

Related Licenses/Registrations/Permits

No records returned

Disciplinary Actions

No information available from this agency

Disciplinary Documentation

This information is updated Monday through Friday - Last updated: JAN-18-2010

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January 22, 2010

Ms. Janet S. Tarantino
Secretary of the District
Golden Gate Bridge, Highway and Transportation District
Administration Building
Golden Gate Bridge Toll Plaza
San Francisco, CA

RE: First Alarm Security and Patrol Inc.'s Protest
RFP No. 2010-MD-3 to Barbier Security Group

Dear Ms. Tarantino,

Barbier Security Group (BSG) wishes to respond to First Alarm Security & Patrol, Inc.'s protest of the recommendation for naming Barbier Security Group as the highest rated company for RFP No. 2010-MD-3, Security Guard Services for the Bus and Ferry Facilities.

GOLDEN GATE BRIDGE
HIGHWAY AND
TRANSPORT DISTRICT
2010 JAN 22 PM 2:08
SECRETARY OF
THE DISTRICT

Barbier Security Group Lacks Requisite Experience

Barbier Security Group possesses the required experience to carry out the Golden Gate Bus and Ferry contract. It is important to note that Evan Barbier's legal name is Harry Evan Barbier, different from his father, Harry Ronald Barbier. Harry Evan Barbier has always been the sole owner of Barbier Security Group. He now holds the title of President of the Barbier Security Group Corporation.

- Harry Evan Barbier was issued a Guard Card by BSIS (Bureau of Security and Investigative Services) on October 31, 2005, guard registration # 1495456. [Attachment #1]
- BSIS issued Harry Evan Barbier a Private Patrol Operator's License (PPO) and Qualified Manager Certificate on June 28, 2007 based on the experience provided in his application. This indicates he is the owner and operator of a private security firm. BSIS (Bureau of Security and Investigative Services) issued the PPO license (#15848) based on the background and experience Evan provided on his application. [Attachment 2]



- Barbier Security Group incorporated in December 2009 and was issued a new license by BSIS (PPO # 16508) [Attachment 3] after again showing proper credentials.

Barbier Security Group currently possesses the proper licensure required by the Golden Gate Bridge, Highway and Transportation District to fulfill contract RFP No. 2010-MD-3, Security Guard Services for Bus and Ferry Facilities.

Alleged Regulatory Violations

Nathaniel Davidson is a current Barbier Security employee. Mr. Davidson had been issued a Guard Card in 2004. Nathaniel Davidson was hired by BSG on November 12, 2009. He was live scanned and processed for his Guard Card renewal before starting any work assignments and possesses a current Guard Card. [Attachment 4]

Mr. Davidson was issued a Barbier Security Group uniform, with BSIS approved patches and hat upon signing his employment agreement with BSG on November 12, 2009.

We appreciate the opportunity to respond to any questions concerning our experience, background, and standing as a reputable and ethical private security firm.

Best regards,

A handwritten signature in blue ink, appearing to read "Evan Barbier", is written over a horizontal line.

Evan Barbier
Principal
Barbier Security Group



Attachments

1. Harry Evan Barbier – Guard Card Registration
2. Previous Private Patrol Operator License
3. Current Private Patrol Operator License
4. Nathaniel Davidson – Guard Card Registration
5. Private Patrol and Qualified Manager Fact Sheet

*Department of Consumer Affairs
Bureau of Security and Investigative Services*

BUREAU OF SECURITY AND INVESTIGATIVE SERVICES

Licensee Name: BARBIER HARRY E
License Type: Guard/Patrolperson Registration
License Number: 1495456
License Status: **CANCELLED** Definition
Expiration Date: October 31, 2007
Issue Date: October 31, 2005
City: SAN RAFAEL
County: MARIN
Actions: No

Related Licenses/Registrations/Permits

Number	Name	Type	Status	Actions
146797	BARBIER HARRY E	Baton Permit	CLEAR	No

Disciplinary Actions

No information available from this agency

Disciplinary Documentation

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Bureau of Security and Investigative Services



Private Patrol Operator

LICENSE NO. PPO 15848

ISSUE DATE JUNE 28, 2007

BARBIER SECURITY GROUP

VALID UNTIL JUNE 30, 2009

The above is licensed as a Sole Ownership with the State Bureau of Security and Investigative Services.

HARRY E. BARBIER

QUALIFIED MANAGER/OWNER



Bureau of Security and Investigative Services
P.O. BOX 989002
West Sacramento, CA 95798-9002
(916) 322-4000

PRIVATE PATROL OPERATOR

LICENSE NO. PPO 15848
RECEIPT NO. 11200068

VALID UNTIL NOVEMBER 30, 2011

BARBIER SECURITY GROUP
369 B THIRD ST #440
SAN RAFAEL CA 94901

In accordance with the provisions of Division 3, Chapter 11.5 of the Business and Professions Code, the company named hereon is issued a Private Patrol Operator License Renewal.

02/09
02/09

----- NON-TRANSFERABLE --- POST IN PUBLIC VIEW -----

WP1PP0 02/29/08

This Original License must be kept for the life of the license and posted in Public View.

The above named is a licensed Private Patrol Operator in the State of California, subject to the filing for renewal and the payment of the statutory fee by the expiration date.

This license is issued pursuant to, and continues in effect subject to compliance with, the provisions of Chapter 11.5 of Division 3 of the Business and Professions Code of the State of California, and the Rules and Regulations established thereunder, and the above named licensee is duly authorized under said Chapter.

DEPARTMENT OF CONSUMER AFFAIRS
BUREAU OF SECURITY AND INVESTIGATIVE SERVICES
P.O. BOX 989002
WEST SACRAMENTO, CA 95798-9002
(916) 322-4000

02/07

----- POST IN PUBLIC VIEW -----

0P1PP0 03/31/02

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*Department of Consumer Affairs
Bureau of Security and Investigative Services*

BUREAU OF SECURITY AND INVESTIGATIVE SERVICES

Licensee Name: DAVIDSON NATHANIEL E
License Type: Guard/Patrolperson Registration
License Number: 1440466
License Status: CLEAR Definition
Expiration Date: January 31, 2012
Issue Date: May 10, 2004
City: SANTA ROSA
County: SONOMA
Actions: No

Related Licenses/Registrations/Permits

No records returned

Disciplinary Actions

No information available from this agency

Disciplinary Documentation

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BUREAU OF SECURITY AND INVESTIGATIVE SERVICES

P.O. Box 989002
West Sacramento, CA 95798-9002
(916) 322-4000
www.bsis.ca.gov

AUGUST 2002

**PRIVATE PATROL OPERATOR
(FACT SHEET)**

Private Patrol Operator or Qualified Manager

Requirements for Licensure

A private patrol operator operates a business that protects persons or property or prevents theft. In order for a company to seek licensure as a Private Patrol Operator, the Qualified Manager (see below) must have passed the licensing examination. In addition, *each* individual applicant, partner, or corporate officer must meet the following requirements:

- Be 18 or older.
- Undergo a criminal history background check through the California Department of Justice (DOJ) and Federal Bureau of Investigation (FBI); and
- Have committed no offense or violation of the Private Security Services Act that would be grounds for license suspension or revocation

To apply for a company license, submit the \$700 company license fee, two recent passport-quality photographs and a Private Patrol Operator Live Scan form signed by the Live Scan Operator. A \$32 DOJ fingerprint processing fee and a \$19 FBI fingerprint processing fee *must* be paid at the Live Scan site for *each* applicant, partner, and officer. Send your application to the Bureau of Security and Investigative Services, P.O. Box 989002, West Sacramento, CA 95798-9002. (A Qualified Manager who is also an applicant, partner, or officer is not required to send in another set of fingerprints or pay another fingerprint processing fee.)

Insurance

A Private Patrol Operator who employs armed security guards must have \$1 million in insurance — \$500,000 for one loss due to bodily injury or death, and \$500,000 for one loss due to injury or destruction of property.

Qualified Manager

An individual, partnership, or corporation seeking a license as a Private Patrol Operator must specify in the application the individual who will manage the business on a day-to-day basis.

This individual is called the Qualified Manager. (An owner, partner, or corporate officer may serve as the Qualified Manager, or may hire someone to fill this role.) To be eligible to apply for licensure as a Qualified Manager, you must meet the following requirements:

- Be 18 or older.
- Undergo a criminal history background check through the DOJ and the FBI.
- Have committed no offense or violation of the Private Security Services Act that would be grounds for license suspension or revocation.

- Have one year of experience (2,000 hours) as a patrolperson, guard, or watchperson, or the equivalent.
- Pass a two-hour multiple-choice examination covering the Private Security Services Act and other rules and regulations, business knowledge, emergency procedures, security functions, and use of deadly weapons. A copy of the Private Security Services Act is available through this link:
www.bsis.ca.gov/about_us/laws/pssact.shtml
- Submit a completed application with two recent passport-quality photographs, a \$500 application and examination fee and a Private Patrol Operator Live Scan form signed by the Live Scan Operator. A \$32 DOJ fingerprint processing fee and a \$19 FBI fingerprint processing fee *must* be paid at the Live Scan site for each applicant, partner, and officer. Send your application to the Bureau of Security and Investigative Services, P.O. Box 989002, West Sacramento, CA 95798-9002.

To request an application for licensure as a Private Patrol Operator or qualified manager, call the Department of Consumer Affairs at (800) 952-5210, or visit our Web site: www.bsis.ca.gov.

"Protection of the public shall be the highest priority for the Bureau of Security and Investigative Services in exercising licensing, regulatory and disciplinary functions. Whenever the protection of the public is consistent with other interests sought to be promoted, the protection of the public shall be paramount."



INTELLIGENT SECURITY - THE INTELLIGENT CHOICE

GOLDEN GATE BRIDGE
HIGHWAY AND
TRANSPORT DISTRICT
2010 JAN 22 AM 8:29
SECRETARY OF
THE DISTRICT

Hand Delivered

January 21, 2010

Ms. Janet Tarantino
District Secretary
Golden Gate Bridge District
Box 9000, Presidio Station
San Francisco, CA 94129-0601

SUBJECT: Request for Proposal FP No. 2010-MD-3, Security Guard Services for the Bus and Ferry Facilities

Dear Ms. Tarantino:

Cypress Security, LLC, is formally protesting the award of to Barbier Security Group, San Rafael, CA in the letter received from the District on January 20, 2010.

Cypress Security was one of four security companies to be in the competitive range and was selected to make a formal presentation to District staff. After the presentation, Cypress Security submitted a modified price proposal. Our modified price proposal was \$454,880.94 for a two-year period effective March 1, 2010. This price proposal is 4.34% lower than the price proposal submitted by Barbier Security Group.

Cypress Security has extensive experience and qualifications with transit agency security and critical infrastructure security. We currently provide transit security services for San Francisco Municipal Railway (MUNI), San Mateo County Transit (SamTrans), Cal Train, Port of San Francisco and Irvine Transit Center (City of Irvine). Our critical infrastructure security clients include East Bay Municipal Utility District (EBMUD), Los Angeles County Public Works and San Francisco Housing Authority.

While staff's scoring sheets or any other information regarding the decision making process have not been made available for review, it is clear that both in the areas of experience and price, Cypress should have received a higher score than the recommended contractor.

Thanks you for your evaluation of our protest letter. Please contact me if you have any questions about our Proposal Price and our Firm Experience and Qualifications.

Sincerely,

Nils Welin
CEO

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INTELLIGENT SECURITY - THE INTELLIGENT CHOICE

Sent by e-mail to
District Secretary Janet Tarantino
on February 10, 2010, at 5:17pm

February 9, 2010

Ms. Janet Tarantino
Secretary to the Board of Directors
Golden Gate Bridge, Highway and Transportation District
Box 9000, Presidio Station
San Francisco, CA 94129-0601

Dear Ms. Tarantino:

We are writing to you to express our concerns regarding the recently completed request for proposal process in regards to NO. 2010-MD-3 *Security Guard Services for the Bus and Ferry Facilities*, which resulted in the recommendation of Barbier Security Group as the security provider for the Golden Gate Bridge District. While we are of course disappointed that Cypress Security was not selected, we are writing to you because we think the committee strayed so far from its stated criteria that the entire process requires serious reexamination.

District staff reviewed and evaluated each proposal in accordance with weighted criteria. The criteria and relative scoring requires but a cursory glance to see that no objective assessment of the criteria could result in a higher score for Barbier over Cypress:

Criteria	Maximum Points	Cypress	Barbier	Barbier	Cypress
Price	40	\$454,888.94	\$475,514.00	38	40
Experience & Qualifications	40	Cypress has been in business for over 13 years, and received its PPO license in 1996.	Barbier has two PPO licenses issued through BSIS. This is highly unusual and needs to be investigated by BSIS. One was issued in June 2007 and the other in December 2009. If Barbier is using the December 2009 PPO license then they submitted a proposal as an unlicensed security company with no prior experience. If they are using the license issued in June 2007, then they	39	32



			<p>only have slightly more than two years of security experience. Barbier has stated they have been operation since June 2006. If it operated as it claims for 1 year before the first PPO license, then, it apparently did so illegally without a license. (This fact was brought forward by another security company and was dismissed by Staff).</p>		
		<p>Cypress has multiple years of providing security for SFMUN, CALTRAIN/ SAMTRANS, SF PORT, Irvine Transit District, McCarran International Airport.</p>	<p>Barbier has absolutely <u>no</u> transit clients or experience.</p>		
		<p>Cypress Security's principal office is located in San Francisco and has full support to include an on-site training facility with dedicated on-line and classroom training.</p>	<p>Barbier's office is a post office box at a UPS Copy store. There is no principal office at this site nor is there an in-house training facility as indicated in the proposal.</p>		
		<p>Cypress Security has extensive hiring procedures and criteria for the selection of our employees, including a written or on-line application, formal Interviews, written testing, and an extensive background check to include past work history, educational background and personal references. Cypress Security drug tests ALL successful applicants using a 10 panel drug test.</p>	<p>Barbier only uses phone and a formal interview.</p>		
References	20	No detail provided	No detail provided	18	20
Total	100			90	97



In summary, Cypress Security offers the Bridge District a security company with extensive transit security and critical infrastructure experience; a bona-fide principal office with complete training facility; a company that has legally been providing security services since September 1996; hiring procedures that include extensive background screening and at a overall lower cost to the District.

Instead, you are choosing a sole proprietorship security company that has NO transit security experience; a principal office that is a letter box in a UPS store with no in-house training facility; a company that possibly worked without the proper security licensing in the State for a year; hiring procedures that do not include a background investigation or drug testing and will cost the District over \$20,000 more for the two year period of the contract.

It is our hope that the Board will not approve this proposed award and that a full review of the RFP process will take place. With the mounting deficits across our entire nation, it would be highly irresponsible to award a MORE expensive contract to firm with LESS experience and who potentially has been in violation of State Law (by their own admission).

If the member of the Board wishes to ask any questions, please feel free to contact me at 415-240-4495.

Sincerely,



Nils Welin

Cc: Janet Tarantino, Secretary of the District
All Golden Gate Bridge District Board of Directors